

**OFFICE OF ADMINISTRATIVE LAW**

300 Capitol Mall, Suite 1250  
Sacramento, CA 95814  
(916) 323-6225 FAX (916) 323-6826



DEBRA M. CORNEZ  
Director

**MEMORANDUM**

TO: Heather McCray  
FROM: OAL Front Desk *jo*  
DATE: 5/27/2015  
RE: Return of Approved Rulemaking Materials  
OAL File No. 2015-0504-01SR

OAL hereby returns this file your agency submitted for our review (OAL File No. 2015-0504-01SR regarding Parole Reconsideration Hearings (Previously Pena Code 3000.1 Proc.)).

If this is an approved file, it contains a copy of the regulation(s) stamped "ENDORSED APPROVED" by the Office of Administrative Law and "ENDORSED FILED" by the Secretary of State. The effective date of an approved regulation is specified on the Form 400 (see item B.5). **Beginning January 1, 2013**, unless an exemption applies, Government Code section 11343.4 states the effective date of an approved regulation is determined by the date the regulation is filed with the Secretary of State (see the date the Form 400 was stamped "ENDORSED FILED" by the Secretary of State) as follows:

- (1) **January 1** if the regulation or order of repeal is filed on September 1 to November 30, inclusive.
- (2) **April 1** if the regulation or order of repeal is filed on December 1 to February 29, inclusive.
- (3) **July 1** if the regulation or order of repeal is filed on March 1 to May 31, inclusive.
- (4) **October 1** if the regulation or order of repeal is filed on June 1 to August 31, inclusive.

If an exemption applies concerning the effective date of the regulation approved in this file, then it will be specified on the Form 400. The Notice of Approval that OAL sends to the state agency will contain the effective date of the regulation. The history note that will appear at the end of the regulation section in the California Code of Regulations will also include the regulation's effective date. Additionally, the effective date of the regulation will be noted on OAL's Web site once OAL posts the Internet Web site link to the full text of the regulation that is received from the state agency. (Gov. Code, secs. 11343 and 11344.)

**Please note this new requirement:** Unless an exemption applies, Government Code section 11343 now requires:

1. **Section 11343(c)(1):** Within 15 days of OAL filing a state agency's regulation with the Secretary of State, the state agency is required to post the regulation on its Internet Web site in an easily marked and identifiable location. The state agency shall keep the regulation posted on its Internet Web site for at least six months from the date the regulation is filed with the Secretary of State.
2. **Section 11343(c)(2):** Within five (5) days of posting its regulation on its Internet Web site, the state agency shall send to OAL the Internet Web site link of each regulation that the agency posts on its Internet Web site pursuant to section 11343(c)(1).

OAL has established an email address for state agencies to send the Internet Web site link to for each regulation the agency posts. Please send the Internet Web site link for each regulation posted to OAL at [postedregslink@oal.ca.gov](mailto:postedregslink@oal.ca.gov).

**NOTE ABOUT EXEMPTIONS.** Posting and linking requirements do not apply to emergency regulations; regulations adopted by FPPC or Conflict of Interest regulations approved by FPPC; and regulations not subject to OAL/APA review. However, an exempt agency may choose to comply with these requirements, and OAL will post the information accordingly.

**DO NOT DISCARD OR DESTROY THIS FILE**

Due to its legal significance, you are required by law to preserve this rulemaking record. Government Code section 11347.3(d) requires that this record be available to the public and to the courts for possible later review. Government Code section 11347.3(e) further provides that "...no item contained in the file shall be removed, altered, or destroyed or otherwise disposed of." See also the State Records Management Act (Government Code section 14740 et seq.) and the State Administrative Manual (SAM) section 1600 et seq.) regarding retention of your records.

If you decide not to keep the rulemaking records at your agency/office or at the State Records Center, you may transmit it to the State Archives with instructions that the Secretary of State shall not remove, alter, or destroy or otherwise dispose of any item contained in the file. See Government Code section 11347.3(f).

Enclosures

# RESUBMITTAL

STATE OF CALIFORNIA - OFFICE OF ADMINISTRATIVE LAW  
NOTICE PUBLICATION/REGULATION SUBMISSION (See instructions on reverse)

For use by Secretary of State only

STD. 900 (REV. 01-2013)

OAL FILE NUMBERS	NOTICE FILE NUMBER <b>Z-2014-1028-02</b>	REGULATORY ACTION NUMBER <b>2015-0504-DISR</b>	EMERGENCY NUMBER
For use by Office of Administrative Law (OAL) only			
NOTICE		REGULATIONS	

**ENDORSED - FILED**  
in the office of the Secretary of State  
of the State of California

**MAY 26 2015**

**2:09 PM**

AGENCY WITH RULEMAKING AUTHORITY  
Board of Parole Hearings

AGENCY FILE NUMBER (if any)  
BPH RN 14-02

## A. PUBLICATION OF NOTICE (Complete for publication in Notice Register)

1. SUBJECT OF NOTICE		TITLE(S)	FIRST SECTION AFFECTED	2. REQUESTED PUBLICATION DATE	
3. NOTICE TYPE <input type="checkbox"/> Notice re Proposed Regulatory Action <input type="checkbox"/> Other		4. AGENCY CONTACT PERSON		TELEPHONE NUMBER	FAX NUMBER (Optional)
OAL USE ONLY	ACTION ON PROPOSED NOTICE <input type="checkbox"/> Approved as Submitted <input type="checkbox"/> Approved as Modified <input type="checkbox"/> Disapproved/Withdrawn			NOTICE REGISTER NUMBER <b>2014 452</b>	PUBLICATION DATE <b>11/7/2014</b>

## B. SUBMISSION OF REGULATIONS (Complete when submitting regulations)

1a. SUBJECT OF REGULATION(S) Parole Reconsideration Hearings (previously Penal Code 3000.1 Proc.)		1b. ALL PREVIOUS RELATED OAL REGULATORY ACTION NUMBER(S) 2015-0219-02-5	
2. SPECIFY CALIFORNIA CODE OF REGULATIONS TITLE(S) AND SECTION(S) (Including title 26, if toxics related)			
SECTION(S) AFFECTED (List all section number(s) individually. Attach additional sheet if needed.)		ADOPT	
TITLE(S) 15		AMEND 2275	
		REPEAL	
3. TYPE OF FILING			
<input checked="" type="checkbox"/> Regular Rulemaking (Gov. Code §11346) <input checked="" type="checkbox"/> Resubmittal of disapproved or withdrawn nonemergency filing (Gov. Code §§11349.3, 11349.4) <input type="checkbox"/> Emergency (Gov. Code, §11346.1(b)) <input type="checkbox"/> Certificate of Compliance: The agency officer named below certifies that this agency complied with the provisions of Gov. Code §§11346.2-11347.3 either before the emergency regulation was adopted or within the time period required by statute. <input type="checkbox"/> Resubmittal of disapproved or withdrawn emergency filing (Gov. Code, §11346.1) <input type="checkbox"/> Emergency Readopt (Gov. Code, §11346.1(h)) <input type="checkbox"/> File & Print <input type="checkbox"/> Other (Specify): <input type="checkbox"/> Changes Without Regulatory Effect (Cal. Code Regs., title 1, §100) <input type="checkbox"/> Print Only			
4. ALL BEGINNING AND ENDING DATES OF AVAILABILITY OF MODIFIED REGULATIONS AND/OR MATERIAL ADDED TO THE RULEMAKING FILE (Cal. Code Regs. title 1, §44 and Gov. Code §11347.1) 1/4/2015 through 1/19/2015			
5. EFFECTIVE DATE OF CHANGES (Gov. Code, §§ 11343.4, 11346.1(d); Cal. Code Regs., title 1, §100) <input checked="" type="checkbox"/> Effective January 1, April 1, July 1, or October 1 (Gov. Code §11343.4(a)) <input type="checkbox"/> Effective on filing with Secretary of State <input type="checkbox"/> \$100 Changes Without Regulatory Effect <input type="checkbox"/> Effective other (Specify)			
6. CHECK IF THESE REGULATIONS REQUIRE NOTICE TO, OR REVIEW, CONSULTATION, APPROVAL OR CONCURRENCE BY, ANOTHER AGENCY OR ENTITY <input type="checkbox"/> Department of Finance (Form STD. 399) (SAM §6660) <input type="checkbox"/> Fair Political Practices Commission <input type="checkbox"/> State Fire Marshal <input type="checkbox"/> Other (Specify): request			
7. CONTACT PERSON Heather L. McCray		TELEPHONE NUMBER (916) 323-1463	FAX NUMBER (Optional) (916) 322-3475
E-MAIL ADDRESS (Optional) heather.mccray@cdcr.ca.gov			

8. I certify that the attached copy of the regulation(s) is a true and correct copy of the regulation(s) identified on this form, that the information specified on this form is true and correct, and that I am the head of the agency taking this action, or a designee of the head of the agency, and am authorized to make this certification.

SIGNATURE OF AGENCY HEAD OR DESIGNEE

DATE

TYPED NAME AND TITLE OF SIGNATORY  
Jennifer Shaffer, Executive Officer

**5/4/15**

For use by Office of Administrative Law (OAL) only

**ENDORSED APPROVED**

**MAY 26 2015**

Office of Administrative Law

**TITLE 15. CRIME PREVENTION AND CORRECTIONS**  
**DIVISION 2. BOARD OF PAROLE HEARINGS**  
**CHAPTER 3. PAROLE RELEASE**  
**ARTICLE 4. PAROLE CONSIDERATION PROCEDURES for LIFE PRISONERS and**  
**NONLIFE 1168 PRISONERS**

**Amendment of Section 2275**  
Parole Reconsideration Hearings  
(previously "Penal Code Section 3000.1 Proceedings")

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**CERTIFICATION**

The foregoing table of contents constitutes the Board of Parole Hearings' rulemaking file for the subject regulations. The rulemaking file as submitted is complete. The rulemaking record for the subject regulations was closed on May 4, 2015.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed at Sacramento, California, on May 4, 2015.

Signed:



HEATHER L. MCCRAY  
Senior Staff Attorney

# TAB A

## Notice of Proposed Action

## **NOTICE OF PROPOSED RULEMAKING**

### **Title 15. CRIME PREVENTION AND CORRECTIONS**

#### **Division 2. BOARD OF PAROLE HEARINGS**

#### **CHAPTER 3. PAROLE RELEASE**

### **ARTICLE 4. PAROLE CONSIDERATION PROCEDURES FOR LIFE PRISONERS AND NONLIFE 1168 PRISONERS**

#### **Amendment of Section 2275**

#### **Penal Code Section 3000.1 Proceedings**

**NOTICE IS HEREBY GIVEN** that the Executive Officer of the Board of Parole Hearings (Board), pursuant to the authority granted by Government Code section 12838.4 and Penal Code sections 3052 and 5076.2, authorizes the Board to adopt the proposed Amended Section 2275 of the California Code of Regulations (CCR), Title 15, Division 2, concerning Penal Code Section 3000.1 Proceedings.

#### **AUTHORITY AND REFERENCE**

Government Code section 12838.4 vests the Board with all the powers, duties, responsibilities, obligations, liabilities, and jurisdiction of the Board of Prison Terms and Narcotic Addict Evaluation Authority, which no longer exist.

Penal Code section 3052 vests with the Board the authority to establish and enforce rules and regulations under which prisoners committed to state prisons may be allowed to go upon parole outside of prison when eligible for parole.

Penal Code section 5076.2 requires the Board promulgate, maintain, publish, and make available to the general public a compendium of its rules and regulations.

Penal Code section 3000(b)(4) requires that when a specified parolee is adjudicated and found to have violated a condition of parole or violated a law, the Board shall conduct a hearing to consider the parolee's release to parole.

Penal Code section 3000.08(h) requires that when a parolee specified in Penal Code sections 3000(b)(4) or 3000.1 is adjudicated and found to have violated a condition of parole or violated a law, the parolee shall be remanded to the jurisdiction of the Board.

Penal Code section 3000.1 also requires that when a specified parolee is adjudicated and found to have violated a condition of parole or violated a law, the Board shall conduct a hearing to consider the parolee's release to parole.

#### **PUBLIC COMMENT PERIOD**

Any interested person, or his or her authorized representative, may submit written comments relevant to the proposed regulations to the Board. **THE WRITTEN COMMENT PERIOD ON THIS PROPOSED REGULATORY ACTION WILL COMMENCE ON NOVEMBER 7,**

**2014, AND WILL CLOSE AT 5:00 P.M. ON DECEMBER 22, 2014.** For comments to be considered by the Board, they must be submitted in writing to the Board's Contact Person identified in this Notice no later than the close of the comment period.

### **CONTACT PERSON**

Please direct requests for copies of the Initial Statement of Reasons, the Proposed Text of the Regulation, or other information upon which the rulemaking is based to:

Heather L. McCray, Senior Staff Attorney  
Board of Parole Hearings  
P.O. Box 4036  
Sacramento, CA 95812-4036  
Telephone: (916) 650-6409  
Facsimile: (916) 322-3475  
E-mail: Heather.McCray@cdcr.ca.gov

If Heather McCray is unavailable, please contact Chief Counsel, Howard Moseley at Howard.Moseley@cdcr.ca.gov. In any such inquiries, please identify the action by using the Board's regulation control number **RN 14-02**.

### **NO PUBLIC HEARING SCHEDULED**

The Board has not scheduled a public hearing on this proposed regulatory action. However, the Board will hold a hearing if it receives a written request for a public hearing from any interested person, or his or her authorized representative, no later than 15 days before the close of the written comment period. Written or facsimile comments submitted during the prescribed comment period have the same significance and influence as oral comments presented at a public hearing.

If one were to be scheduled, the purpose of a public hearing would be to receive oral comments about the proposed regulations. It would not be a forum to debate the proposed regulations, and no decision regarding the permanent adoption of the proposed regulations would be rendered at a public hearing. The members of the Board would not be present at a public hearing.

### **INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW**

The Board proposes to amend California Code of Regulations, Title 15, Section 2275, which governs California Penal Code section 3000.1 proceedings. This action is necessary to implement, interpret, and comply with the Chelsea King Child Predator Prevention Act of 2010 (Assembly Bill 1844 (approved by Governor, September 9, 2010 (2009-2010 Reg. Sess.))) (hereafter Chelsea's Law). This action is also necessary to implement, interpret and comply with reforms to California's parole system, legislation collectively referred to as "Criminal Justice Realignment" (Assembly Bill 109 (approved by Governor, April 4, 2011 (2011-2012 Reg. Sess.)), as modified by Assembly Bill 117 (approved by Governor, June 30, 2011 (2011-2012 Reg. Sess.)), Assembly Bill 116 (approved by Governor, July 27, 2011 (2011-2012 Reg. Sess.))),

Assembly Bill 17X (approved by Governor, September 20, 2011 (2011-2012 1st Ex. Sess.)), and Senate Bill 1023 (approved by Governor, June 27, 2012 (2011-2012 Reg. Sess.))).

As a result of the above changes effected by Chelsea's Law and Criminal Justice Realignment, California Code of Regulations, Title 15, Section 2275, the Board's regulation for the implementation of Penal Code section 3000.1 proceedings, now conflicts with statutory law. Specifically, current laws for parole consideration hearings describe the process through which a panel consisting of a Board commissioner and deputy commissioner provide a hearing to consider the release of an inmate whose parole, for first-degree or second-degree murder only, had been revoked. Under Criminal Justice Realignment, Penal Code section 3000.08 removed the Board's authority to conduct parole revocation proceedings and Chelsea's law expanded the category of inmates subject to Board proceedings upon adjudication of a new crime or violation of a condition of parole. Moreover, Penal Code sections 3000(b)(4)(C) and 3000.1(d) provide different standards and procedures for hearings depending upon whether the Board of Parole Hearings is conducting an initial Penal Code 3000.1 proceeding following a court's determination of a parole violation or new crime, or an annual parole consideration hearing after the offender was returned to prison. Section 2275 must be updated to clarify these issues and reflect the Board's implementation of these changes.

These proposed regulations will clarify the Board's new role in Penal Code section 3000.1 proceedings, the composition of a hearing panel, and the three statutory categories of crimes for which an offender on parole could be subject to "Penal Code section 3000.1 proceedings." The proposed regulations also clarify the requirement for a lawful determination that the parolee violated a law or condition of parole before the matter is remanded to the Board for an initial Penal Code section 3000.1 hearing, and clarify that such a determination will be considered an interruption in parole for purposes of parole discharge. Additionally, the proposed regulations describe scheduling timelines for Penal Code section 3000.1 initial and annual hearings and clarify notice to stakeholders, parolee's rights, and the application of decision review and Governor's review to those hearings.

#### **ANTICIPATED BENEFITS OF THE PROPOSED REGULATIONS:**

These proposed regulations will promote both inmate rehabilitation and better protection of public safety. Additionally, the regulations increase protections to both victims and inmates.

#### **DETERMINATION OF INCONSISTENCY/INCOMPATIBILITY WITH EXISTING STATE REGULATIONS:**

The Board has determined that this proposed regulation is not inconsistent or incompatible with existing regulations. After conducting a review for any regulations that would relate to or affect this area, the Board has concluded that these are the only regulations that concern the Board's role and requirements in conducting Penal Code 3000.1 proceedings.



## **DISCLOSURES REGARDING THE PROPOSED ACTION**

**Local Mandates:** The Board has determined that the proposed action imposes no mandate upon local agencies or school districts.

**Fiscal Impact Statement:** The Board has made the following initial determinations:

- o Cost to any local agency or school district which must be reimbursed in accordance with Government Code §§ 17500 through 17630: **None**
- o Cost or savings to any state agency: **None**
- o Other non-discretionary cost or savings imposed on local agencies: **None**
- o Cost or savings in federal funding to the state: **None**

**Significant Statewide Adverse Economic Impact on Business:** The Board has determined that there is no significant, statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

**Cost Impacts on Representative Private Persons or Businesses:** The Board is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

**Assessment of Effects on Job and/or Business Creation, Elimination or Expansion:** The Board has determined that adoption of this regulation will not: (1) create or eliminate jobs within California; (2) create new businesses or eliminate existing business within California; or (3) affect the expansion of businesses currently doing business within California.

**Effect on Housing Costs:** The Board has made an initial determination that the proposed action will have no significant effect on housing costs.

**Small Business Determination:** The Board has determined that the proposed regulation does not have a significant adverse economic impact on small business because small businesses are not affected by the internal management of State prisons.

## **RESULTS OF THE ECONOMIC IMPACT ANALYSIS/ASSESSMENT**

The Board concludes that it is (1) unlikely that the proposed regulations will create or eliminate any jobs in California, (2) unlikely that the proposed regulations will create any new business or eliminate any existing businesses, and (3) unlikely that the proposed regulations will result in the expansion of businesses currently doing business within the state.

**Anticipated Benefits to the health and welfare of California residents, worker safety, and the state's environment:** As further explained in the Economic Impact Analysis, contained within the Initial Statement of Reasons, these proposed regulations will promote both inmate rehabilitation and better protection of public safety. Additionally, the regulations increase protections to both victims and inmates. 5

## **CONSIDERATION OF ALTERNATIVES**

The Board must determine that no reasonable alternative it considered, or that has otherwise been identified and brought to its attention, would be more effective in carrying out the purpose for which the action is proposed, or would be as effective and less burdensome to affected private persons, than the proposed regulatory action, or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provision of law. Interested parties are accordingly invited to present statements or arguments with respect to any alternatives to the proposed changes during the public comment period.

## **AVAILABILITY OF PROPOSED TEXT**

The Board will make the rulemaking file available to the public throughout the rulemaking process at its offices located at 1515 K Street, Suite 600, Sacramento, California. As of the date this Notice is published in the Office of Administrative Law's Notice Register, the rulemaking file consists of this Notice, Form 400 (Notice of Submission of Regulation), the Proposed Text of the Regulation and Initial Statement of Reasons. Copies of these documents may be obtained by contacting the Board's Contact Person at the address or phone number listed above or by visiting the Board's website at: [http://www.cdcr.ca.gov/BOPH/reg\\_revisions.html](http://www.cdcr.ca.gov/BOPH/reg_revisions.html)

## **AVAILABILITY OF CHANGES TO PROPOSED TEXT**

After considering all timely and relevant comments received, the Board may adopt the proposed regulations substantially as described in this Notice. If the Board makes modifications which are sufficiently related to the originally proposed text, it will make the modified text (with the changes clearly indicated) available to the public for at least 15 days before the Board adopts the regulations as revised. Please send requests for copies of any modified regulation text to the attention of the Contact Person identified in this Notice or by visiting the Board's website at [http://www.cdcr.ca.gov/BOPH/reg\\_revisions.html](http://www.cdcr.ca.gov/BOPH/reg_revisions.html). If the Board makes modifications, the Board will accept written comments on the modified regulations for 15 days after the date on which they are made available.

## **AVAILABILITY OF THE FINAL STATEMENT OF REASONS**

Upon its completion, copies of the Final Statement of Reasons may be obtained from the Board's Contact Person identified in this Notice or by visiting the Board's website at: [http://www.cdcr.ca.gov/BOPH/reg\\_revisions.html](http://www.cdcr.ca.gov/BOPH/reg_revisions.html)

**\*\*END\*\***

<b>BOARD OF PAROLE HEARINGS</b>  <b>NOTICE OF CHANGE TO REGULATIONS</b> <b>SECTION 2275</b>  <b>PENAL CODE 3000.1 PROCEEDINGS</b>	<b>Number</b> <b>RN 14-02</b>
	<b>Publication Date:</b> <b>November 7, 2014</b>
	<b>Effective Date</b> <b>November 7, 2014</b>

**INSTITUTION POSTING AND CERTIFICATION REQUIRED**

This Notice announces the proposed amendments to Section 2275 of the California Code of Regulations (CCR), Title 15, Board of Parole Hearings, to incorporate into the CCR, provision concerning **PENAL CODE 3000.1 PROCEEDINGS** to conform to statutory law.

**IMPLEMENTATION: IMMEDIATELY**

**PUBLIC COMMENT PERIOD:**

Any person may submit written comments about the proposed regulations to Heather L. McCray, Board of Parole Hearings P.O. Box 4036 Sacramento, CA 95812-4036 by fax to (916) 322-3475, or by e-mail to BPH.Regulations@cdcr.ca.gov. All written comments must be received by the close of the public comment period **December 22, 2014**, at 5:00 p.m. In any such inquiries, please identify the action by using the Board's regulation control number **RN 14-02**.

**POSTING:**

This Notice shall be posted immediately upon receipt at locations accessible to inmates, parolees, and employees in each Department facility and field office not later than five calendar days after receipt. Also, facilities shall make this Notice available for review by inmates in segregated housing who do not have access to the posted copies, and shall distribute it to inmate law libraries and advisory councils. CDCR Form 621-A (Rev. 07/08), Certification of Posting, shall be returned to the RPMB electronically, by fax, or by mail. See Department Operations Manual Sections 12010.5.7 and 12010.5.8 for posting and certification of posting procedures.

**CONTACT PERSON:**

Inquiries regarding this Notice and subject matter of this regulation should be directed to Heather L. McCray, Board of Parole Hearings, P.O. Box 4036 Sacramento, CA 95812-4036 by fax to (916) 322-3475, or by e-mail to BPH.Regulations@cdcr.ca.gov.

**INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW**

The Board proposes to amend California Code of Regulations, Title 15, Section 2275, which governs California Penal Code section 3000.1 proceedings. This action is necessary to implement, interpret, and comply with the Chelsea King Child Predator Prevention Act of 2010 (Assembly Bill 1844 (approved by Governor, September 9, 2010 (2009-2010 Reg. Sess.))) (hereafter Chelsea's Law). This action is also necessary to implement, interpret and comply with reforms to California's parole system, legislation collectively referred to as "Criminal Justice Realignment" (Assembly Bill 109 (approved by Governor, April 4, 2011 (2011-2012 Reg. Sess.)), as modified by Assembly Bill 117 (approved by Governor, June 30, 2011 (2011-2012 Reg. Sess.)), Assembly Bill 116 (approved by Governor, July 27, 2011 (2011-2012 Reg. Sess.)), Assembly Bill 17X (approved by Governor, September 20, 2011 (2011-2012 1st Ex. Sess.)), and Senate Bill 1023 (approved by Governor, June 27, 2012 (2011-2012 Reg. Sess.))).

As a result of the above changes effected by Chelsea's Law and Criminal Justice Realignment, California Code of Regulations, Title 15, Section 2275, the Board's regulation for the implementation of Penal Code section 3000.1 proceedings, now conflicts with statutory law. Specifically, current laws for parole consideration hearings describe the process through which a panel consisting of a Board commissioner

and deputy commissioner provide a hearing to consider the release of an inmate whose parole, for first-degree or second-degree murder only, had been revoked. Under Criminal Justice Realignment, Penal Code section 3000.08 removed the Board's authority to conduct parole revocation proceedings and Chelsea's law expanded the category of inmates subject to Board proceedings upon adjudication of a new crime or violation of a condition of parole. Moreover, Penal Code sections 3000(b)(4)(C) and 3000.1(d) provide different standards and procedures for hearings depending upon whether the Board of Parole Hearings is conducting an initial Penal Code 3000.1 proceeding following a court's determination of a parole violation or new crime, or an annual parole consideration hearing after the offender was returned to prison. Section 2275 must be updated to clarify these issues and reflect the Board's implementation of these changes.

These proposed regulations will clarify the Board's new role in Penal Code section 3000.1 proceedings, the composition of a hearing panel, and the three statutory categories of crimes for which an offender on parole could be subject to "Penal Code section 3000.1 proceedings." The proposed regulations also clarify the requirement for a lawful determination that the parolee violated a law or condition of parole before the matter is remanded to the Board for an initial Penal Code section 3000.1 hearing, and clarify that such a determination will be considered an interruption in parole for purposes of parole discharge. Additionally, the proposed regulations describe scheduling timelines for Penal Code section 3000.1 initial and annual hearings and clarify notice to stakeholders, parolee's rights, and the application of decision review and Governor's review to those hearings.

**ANTICIPATED BENEFITS OF THE PROPOSED REGULATIONS:**

These proposed regulations will promote both inmate rehabilitation and better protection of public safety. Additionally, the regulations increase protections to both victims and inmates.

**DETERMINATION OF INCONSISTENCY/INCOMPATIBILITY WITH EXISTING STATE REGULATIONS:**

The Board has determined that this proposed regulation is not inconsistent or incompatible with existing regulations. After conducting a review for any regulations that would relate to or affect this area, the Board has concluded that these are the only regulations that concern the Board's role and requirements in conducting Penal Code 3000.1 proceedings.

**LOCAL MANDATES:**

This action imposes no mandates on local agencies or school districts, or a mandate which requires reimbursement of costs or savings pursuant to Government Code Sections 17500 - 17630.

**FISCAL IMPACT STATEMENT:**

- ☐ Cost to local agency or school district that is required to be reimbursed pursuant to 17500 et seq.:
- ☐ Cost or savings to any state agency:
- ☐ Other nondiscretionary cost or savings imposed on local agencies:
- ☐ Cost or savings in federal funding to the state:

None.

None.

None.

None.

**EFFECT ON HOUSING COSTS:**

The Board has made an initial determination that the proposed action will have no significant effect on housing costs.

**SIGNIFICANT STATEWIDE ADVERSE ECONOMIC IMPACT AFFECTING BUSINESSES:**

The Board has initially determined that the proposed regulations will not have a significant statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states.

**RESULTS OF THE ECONOMIC IMPACT ASSESSMENT:**

The Board has determined that the proposed regulations will have no impact in the creation of new, or the elimination of existing jobs or businesses within California, or affect the expansion of businesses currently doing business in California.

The Board has determined that the proposed regulation will promote both inmate rehabilitation and better protection of public safety. Additionally, the regulations increase protections to both victims and inmates.

**COST IMPACTS ON REPRESENTATIVE PRIVATE PERSONS OR BUSINESSES:**

The Board is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

**EFFECT ON SMALL BUSINESSES:**

The Board has determined that the proposed regulations may not affect small businesses. It is determined that this action has no significant adverse economic impact on small business because they are not affected by Penal Code section 3000.1 procedures.

**CONSIDERATION OF ALTERNATIVES:**

The Board must determine that no reasonable alternative it considered, or that has otherwise been identified and brought to its attention, would be more effective in carrying out the purpose for which the action is proposed, or would be as effective and less burdensome to affected private persons, than the proposed regulatory action, or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provision of law. Interested parties are accordingly invited to present statements or arguments with respect to any alternatives to the proposed changes during the public comment period.

**AVAILABILITY OF PROPOSED TEXT AND INITIAL STATEMENT OF REASONS:**

The Department has prepared and will make available the text and the Initial Statement of Reasons (ISOR) of the proposed regulations. The rulemaking file for this regulatory action, which contains those items and all information on which the proposal is based (i.e., rulemaking file) is available to the public upon request directed to the Board's contact person. The proposed text, ISOR, and Notice of Proposed Action will also be made available on the Board's website  
[http://www.cdcr.ca.gov/BOPH/reg\\_revisions.html](http://www.cdcr.ca.gov/BOPH/reg_revisions.html)

**AVAILABILITY OF THE FINAL STATEMENT OF REASONS:**

Following its preparation, a copy of the Final Statement of Reasons will be available on the Board's website at [http://www.cdcr.ca.gov/BOPH/reg\\_revisions.html](http://www.cdcr.ca.gov/BOPH/reg_revisions.html) and may also be obtained from the Board's contact person.

**AVAILABILITY OF CHANGES TO PROPOSED TEXT:**

After considering all timely and relevant comments received, the Department may adopt the proposed regulations substantially as described in this Notice. If the Department makes modifications which are sufficiently related to the originally proposed text, it will make the modified text (with the changes clearly indicated) available to the public for at least 15 days before the Department adopts the regulations as revised. Requests for copies of any modified regulation text should be directed to the contact person indicated in this Notice. The Department will accept written comments on the modified regulations for 15 days after the date on which they are made available.



JENNIFER SHAFFER  
Executive Officer  
Board of Parole Hearings

# TAB B

Original Proposed  
Regulatory Text

## PROPOSED REGULATORY TEXT

Proposed additions are indicated by underline and deletions are indicated by ~~strikethrough~~.

BARCLAYS OFFICIAL CALIFORNIA CODE OF REGULATIONS  
TITLE 15. CRIME PREVENTION AND CORRECTIONS  
DIVISION 2. BOARD OF PAROLE HEARINGS  
CHAPTER 3. PAROLE RELEASE  
ARTICLE 4. PAROLE CONSIDERATION PROCEDURES for LIFE PRISONERS and  
NONLIFE 1168 PRISONERS

15 CCR § 2275 to read as follows:

§ 2275. ~~Implementation of Penal Code Section 3000.1.~~ Penal Code 3000.1 Proceedings.

(a) General. ~~As required by Penal Code section 3000.1, when parole is revoked for any prisoner sentenced under Penal Code section 1168 for any offense of first or second degree murder with a maximum term of life imprisonment, the prisoner shall be given a hearing as provided in Penal Code sections 3041.5 and 3041.7 within 12 months of the date of any revocation of parole to consider the release of the inmate on parole.~~ Penal Code section 3000.08(h) provides that, following a lawful determination that the person has committed a violation of law or violated his or her conditions of parole, persons on parole for specified crimes shall be remanded to the custody of the Department of Corrections and Rehabilitation and remanded to the jurisdiction of the Board of the Parole Hearings for future parole consideration. Parolees who are subject to remand upon a lawful determination are specified as follows: a) parolees convicted of crimes listed in Penal Code section 3000(b)(4) where the crime was committed on or after September 9, 2010; b) parolees convicted of crimes listed in Penal Code section 3000.1(a)(1) where the crime was committed on or after January 1, 1983; and c) parolees convicted of crimes listed in Penal Code section 3000.1(a)(2) where the crime was committed on or after September 9, 2010. These hearings are collectively referred to as Penal Code section 3000.1 proceedings.

(b) Panel. ~~This hearing shall be conducted by a two person panel comprised of one commissioner and one deputy commissioner.~~ Lawful Determination. Parole violation charges are adjudicated by the court in accordance with Penal Code section 1203.2, or by another lawful authority for multijurisdiction parolees. Upon the lawful determination that a parolee has committed a violation of law or violated a condition of parole, the matter is remanded to the Board of Parole Hearings for a Penal Code section 3000.1 initial hearing.

(c) Disposition. ~~At this hearing, the panel shall release the prisoner within one year of the date of the revocation, unless it determines that the circumstances and gravity of the parole violation are such that consideration of the public safety requires a more lengthy period of incarceration, or unless there is a new prison commitment following a conviction. If the panel concludes that a more lengthy period of incarceration is warranted, then notwithstanding the provisions of paragraph (2) of subdivision (b) of section 3041.5, there shall be annual parole consideration hearings thereafter, unless the person is otherwise ineligible for parole release.~~ Penal Code

section 3000.1 initial hearings. A Penal Code section 3000.1 initial hearing shall be held by the Board of Parole Hearings on the next available calendar, but no later than 12 months following a lawful determination that a parolee has committed a violation of law or violation of condition of parole. At a Penal Code section 3000.1 initial hearing, the Board shall consider the violation of law or violation of condition of parole in the context of the parolee's history and all relevant suitability factors of California Code of Regulations, title 15, section 2402. The Board shall not retry the evidentiary findings of the court or other lawful authority. The Board shall grant parole unless it determines that the circumstances and gravity of the violation of law or violation of condition of parole are such that consideration of the public safety requires a more lengthy period of incarceration.

(d) Penal Code section 3000.1 annual parole consideration hearings. Within one year of a Penal Code section 3000.1 initial hearing, parolees who do not have a parole grant and who are not otherwise ineligible for release shall receive a Penal Code section 3000.1 annual parole consideration hearing. At a Penal Code section 3000.1 annual parole consideration hearing, the Board shall grant parole in accordance with Penal Code section 3041 and California Code of Regulations, title 15, section 2402. A parolee who does not have a parole grant and who is not otherwise ineligible for release shall continue to receive Penal Code section 3000.1 annual parole consideration hearings each year until he or she receives a parole grant.

(1) Ineligible for Release. For purposes of Penal Code section 3000.1 proceedings, a parolee is ineligible for release if the parolee is serving a separate indeterminate term, or until the parolee reaches the third year prior to his or her earliest possible release date while serving a separate determinate term, or the parolee is incarcerated under other similar circumstances.

(2) Earliest Possible Release Date. The earliest possible release date is calculated by the California Department of Corrections and Rehabilitation. Using the inmate's maximum release date, it is a calculation of the earliest date the inmate could be released, accounting for all of the credits earned and lost by the inmate, and including a projection of the inmate continuing to earn credits until released.

(e) Parole Grant. A parole grant at a Penal Code section 3000.1 proceeding is a finding by the Board the parolee is suitable for release. Despite a parole grant, the parolee may continue to be incarcerated if serving a separate sentence or if subject to the jurisdiction of another authority.

(f) Notice. Prior to any Penal Code section 3000.1 proceeding, notices shall be sent pursuant to Penal Code sections 3041.7 and 3043 to parties related to the life crime, or related to other crimes for which the parolee has been convicted as defined in Penal Code section 3043(a). No notices are required pursuant to Penal Code section 3042.

(g) Hearing Rights. At Penal Code section 3000.1 proceedings, the parolee shall be provided all hearing rights in accordance with Penal Code section 3041.5, with the exception of subdivisions (b)(3) and (d), and shall be provided all hearing rights in accordance with Penal Code section 3041.7, and California Code of Regulations, title 15, sections 2245 through 2256, or section 2367 for multijurisdiction parolees, as relevant.



(h) Hearing Panel. Penal Code section 3000.1 proceedings shall be heard by a panel of two or more commissioners or deputy commissioners, of which no more than one may be a deputy commissioner. En banc referrals shall be conducted in accordance with Penal Code section 3041.

(i) Review of Decision. Proposed decisions at Penal Code section 3000.1 proceedings are subject to decision review pursuant to California Code of Regulations, title 15, section 2041(h). Decisions are subject to the Governor's review pursuant to Penal Code sections 3041.1 and 3041.2.

(j) Parole Discharge. A lawful determination that a parolee has committed a violation of law or violation of condition of parole shall be considered an interruption in parole for purposes of Penal Code sections 3000(b)(4), 3000.1(b), and 3001.

Note: Authority cited: Section 12838.4, Government Code; and Sections 3052 and 5076.2, Penal Code. Reference: Sections 1203.2, 3000(b)(4), 3000.08(h), 3000.08(j), 3000.1, 3001, 3041, 3041.1, 3041.2, 3041.7, and 3043, Penal Code; and Sections 2041(h) and 2402, California Code of Regulations, Title 15.

# TAB C

Initial Statement of Reasons

**INITIAL STATEMENT OF REASONS**

**TITLE 15. CRIME PREVENTION AND CORRECTIONS**

**DIVISION 2. BOARD OF PAROLE HEARINGS**

**CHAPTER 3. PAROLE RELEASE**

**ARTICLE 4. PAROLE CONSIDERATION PROCEDURES for LIFE PRISONERS and  
NONLIFE 1168 PRISONERS**

**Amendment of Section 2275**

**Penal Code Section 3000.1 Proceedings**

**INTRODUCTION:**

Two legislative acts substantively changed the legal procedures for parolees from certain life sentences accused of committing new specified crimes or violations of parole conditions.

**Chelsea's Law**

The Chelsea King Child Predator Prevention Act of 2010 (Assembly Bill 1844 (approved by Governor, September 9, 2010 (2009-2010 Reg. Sess.))) (hereafter "Chelsea's Law") revised the Penal Code to add two new lists of offenders subject to Board of Parole Hearings (BPH or Board) proceedings upon adjudication of a new crime or violation of a condition of parole. First, Chelsea's Law added subdivision (a)(2) to Penal Code section 3000.1, subjecting offenders convicted of specified sex offenses against minors on or after the statute's operative date to Penal Code section 3000.1 proceedings. Second, Chelsea's Law identified a separate set of offenders in Penal Code section 3000(b)(4)(a) for which it added a hearing process in Penal Code section 3000(b)(4)(C) that is identical to one set forth in Penal Code section 3000.1(d). Notably, Penal Code section 3000.1(a)(1), which remained unchanged, subjects offenders convicted of first-degree or second-degree murder that occurred on or after the operative date of the statute to Penal Code section 3000.1 proceedings.

**Criminal Justice Realignment**

Several legislative reforms to California's parole system, collectively referred to as "Criminal Justice Realignment," revised state law to divert the majority of non-serious, non-violent offenders to incarceration and post-release supervision at a local level (Assembly Bill 109 (approved by Governor, April 4, 2011 (2011-2012 Reg. Sess.)), as modified by Assembly Bill 117 (approved by Governor, June 30, 2011 (2011-2012 Reg. Sess.)), Assembly Bill 116 (approved by Governor, July 27, 2011 (2011-2012 Reg. Sess.)), Assembly Bill 17X (approved by Governor, September 20, 2011 (2011-2012 1<sup>st</sup> Ex. Sess.)), and Senate Bill 1023 (approved by Governor, June 27, 2012 (2011-2012 Reg. Sess.))). After implementing the final stage on July 1, 2013, superior courts assumed authority for adjudicating all parole revocation proceedings pursuant to Penal Code sections 3000.08 and 3056. The Board retains authority to conduct Penal Code section 3000.1 proceedings, but only following a lawful determination by a superior court (or other lawful authority for multijurisdictional parolees) that the parolee has committed a violation of law or condition of parole, and only if the original offense meets criteria under Penal Code sections 3000(b)(4), 3000.1(a)(1), or 3000.1(a)(2).

## **PROBLEM:**

As a result of the above changes effected by Chelsea's Law and Criminal Justice Realignment, California Code of Regulations, Title 15, Section 2275, the Board's regulation for the implementation of Penal Code section 3000.1 proceedings, now conflicts with statutory law. Specifically, section 2275 currently describes the process through which a panel consisting of a Board commissioner and deputy commissioner provide a hearing to consider the release of an inmate whose parole, for first-degree or second-degree murder only, had been revoked. As explained above, Penal Code section 3000.08 removed the Board's authority to conduct parole revocation proceedings and Chelsea's law expanded the category of inmates subject to Board proceedings upon adjudication of a new crime or violation of a condition of parole. Moreover, Penal Code sections 3000(b)(4)(C) and 3000.1(d) provide different standards and procedures for hearings depending upon whether the Board of Parole Hearings is conducting an initial Penal Code 3000.1 proceeding following a court's determination of a parole violation or new crime, or an annual parole consideration hearing after the offender was returned to prison. Section 2275 must be updated to clarify these issues and reflect the Board's implementation of these changes.

## **PURPOSE:**

The Board proposes to amend California Code of Regulations, Title 15, Section 2275, which governs California Penal Code section 3000.1 proceedings, to implement, interpret, and comply with Chelsea's Law and "Criminal Justice Realignment," as follows:

Subdivision (a) is *amended* to clarify the Board's new role in Penal Code section 3000.1 proceedings and the three statutory categories of crimes for which an offender on parole could be subject to "Penal Code section 3000.1 proceedings."

Subdivision (b) is *amended* to require a lawful determination by a California court, or other lawful authority for multijurisdiction parolees, that the parolee violated a law or condition of parole before the matter is remanded to the Board for an initial Penal Code section 3000.1 hearing.

Subdivision (c) is *amended* to describe scheduling timelines and clarify the hearing panel's role for Penal Code section 3000.1 initial hearings.

Subdivision (d) and subparts are *added* to describe scheduling timelines for Penal Code section 3000.1 annual parole consideration hearings, and to define the terms "ineligible for release" and "earliest possible release date," which are used in the main subdivision.

Subdivision (e) is *added* to define "parole grant" for this section and clarify that incarceration may continue after a parole grant if the inmate is subject to another sentence or jurisdiction.

Subdivision (f) is *added* to clarify which stakeholders receive notice of a Penal Code section 3000.1 hearing.

Subdivision (g) is *added* to clarify parolee's rights during Penal Code section 3000.1 proceedings.

Subdivision (h) is *added* to establish the composition of a hearing panel.

Subdivision (i) is *added* to clarify that a Penal Code 3000.1 hearing decision is subject to review by the Board of Parole Hearings and the Governor pursuant to existing law.

Subdivision (j) is *added* to clarify that a lawful determination that a parolee has committed a violation of law or violation of condition of parole will be considered an interruption in parole for purposes of parole discharge.

### **ANTICIPATED BENEFITS:**

As further explained below in the Economic Impact Analysis, these proposed regulations will promote both inmate rehabilitation and better protection of public safety. Additionally, the regulations increase protections to both victims and inmates.

### **NECESSITY:**

Updating the Board's regulations regarding Penal Code section 3000.1 proceedings is necessary to provide unambiguous interpretation of several complex clauses in Penal Code sections 3000(b)(4)(C) and 3000.1(d), including language regarding the administrative and procedural due process afforded to a parolee during Penal Code section 3000.1 proceedings. Subdivision (a) collates the statutes and collectively titles the proceedings "Penal Code section 3000.1 proceedings" to clarify which inmates are subject to these proceedings and subdivision (b) explains the new process through which inmates are referred to the Board for these proceedings. Moreover, due to the different standards and procedures for hearings under sections 3000(b)(4)(C) and 3000.1(d), these proposed changes are necessary to differentiate the processes for these two types of proceedings. Subdivisions (c) and (d) describe the differences between Initial and Annual Penal Code 3000.1 proceedings and explain the Board's role in each proceeding. For example, subdivision (c) prohibits the Board from retrying the court's evidentiary findings because Penal Code section 3000.08 removed that authority to the courts. Additionally, the presumption to grant absent a determination that consideration of public safety requires a lengthier period of incarceration mirrors the presumption in Penal Code section 3000.1(d); however, repeating the requirement here collates the requirements of the hearing panel into a single location.

Penal Code sections 3000(b)(4)(C) and 3000.1(d) mandate that Penal Code section 3000.1 proceedings be consistent with the procedures set forth in sections 3041.5 and 3041.7. The Board interprets those statutes to require that the same stakeholders receive notice of the hearings and that the inmate be afforded the same rights. Clarifying this interpretation in subdivisions (f) and (g) is necessary to prevent confusion and ensure that the rights of all parties are upheld. Additionally, in implementing the consistency requirement, a parole grant may not immediately result in release. Stating this possibility in subdivision (e) is necessary to prevent confusion for inmates with additional sentences or subject to jurisdiction of other authorities. Consistency with section 3041.5 further requires that these proceedings be subject to the Board's decision review, as well as the Governor's review pursuant to Penal Code sections 3041.1 and 3041.2. Finally, expanding the number of possible panel members to two or more in subdivision (h) makes these proceedings more consistent with other types of hearings conducted by the Board of Parole Hearings in accordance with Penal Code section 3041.

Penal Code sections 3000(b)(4), 3000.1(b), and 3001 require the Board to discharge specified offenders on parole who have continuously served the designated time periods unless the Board recommends retention for good cause. Since the Board interprets "continuous" parole to prohibit a return to custody, subdivision (j) clarifies that a lawful determination of a parolee's violation of law or condition of parole will be considered an interruption in parole. This is necessary to ensure the legislature's intent and prevent the inclusion of these additional periods of incarceration in calculation of time continuously served on parole.

## **ECONOMIC IMPACT ANALYSIS:**

### **Creation or Elimination of Jobs within the State of California**

The proposed action is designed to bring the Board's regulations into compliance with statutory changes effected by Chelsea's Law and Criminal Justice realignment. Any impact on the creation or elimination of jobs to perform these actions was already in place at the creation of the statutory changes necessitating this proposed action. As a result, these activities are currently being performed by existing state staff and the regulations enhance their job abilities. Therefore, no jobs in California will be created or eliminated.

### **Creation of New or Elimination of Existing Businesses within the State of California**

The proposed action is designed to bring the Board's regulations into compliance with statutory changes effected by Chelsea's Law and Criminal Justice realignment. This regulatory action will not have a significant, statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states, because private businesses are not affected by the internal management of State prisons. Moreover, any impact on the creation or elimination of businesses was already in place at the creation of the statutory changes necessitating this proposed action. These proposed regulations will have no additional effect on the creation or elimination of businesses in California.

### **Expansion of Businesses within the State of California**

The proposed action is designed to bring the Board's regulations into compliance with statutory changes effected by Chelsea's Law and Criminal Justice realignment. This regulatory action will not have a significant, statewide adverse economic impact directly affecting the expansion of business in California because private businesses are not affected by the internal management of State prisons. Moreover, any impact on business expansion was already in place at the creation of the statutory changes necessitating this proposed action. These proposed regulations will have no additional effect on business expansion in California.

### **Anticipated Benefits of the Regulations**

The Board's proposed changes to California Code of Regulations, Title 15, Section 2275 carries several benefits. First, clarifying the Board's role, requirements, and processes for Penal Code 3000.1 hearings under the new law will allow inmates and other stakeholders to better understand these proceedings, which promotes the civil rights of inmates while better protecting public safety.

Second, as these cases involve inmates previously released on parole, the scheduling timelines for initial and annual hearings will ensure that these cases are more frequently reviewed. This will, in turn, allow inmates who no longer require additional incarceration for public safety to be released more quickly, which best promotes both inmate rehabilitation and the protection of public safety, while also decreasing the prison population. Clarifying the notice requirements and hearing rights also provides increased protection to both the victims and the inmates in these proceedings. Expanding the number of panel members to two or more permits the Board, when resources allow, to assign another Commissioner as a third panel member, which benefits all stakeholders by increasing the shared experience of the proceeding's decision makers. The Board's and Governor's decision review reduces decision error by providing a mechanism through which errors can be identified and remedied. Clarifying that time in custody constitutes an interruption in parole reduces the possibility of incorrect parole discharge calculations, which helps to further protect public safety by ensuring parolees have demonstrated a sustained period of safe behavior before discharge from parole.

#### **ADDITIONAL FINDINGS:**

The Board has determined this action imposes no mandates on local agencies or school districts, or a mandate which requires reimbursement pursuant to Part 7 (Section 17561) of Division 4 of the Government Code.

The Board, in proposing amendments to these regulations, has not identified nor has it relied upon any technical, theoretical, or empirical study, report, or similar document.

The Board has determined that no alternative considered would be either more effective in carrying out the purpose of this action, as effective and less burdensome to affected private persons than the action proposed, or more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provision of law.

# TAB D

Written Comments Submitted



## RN 14-02: PUBLIC COMMENT TRACKING LIST

Comment ID#	Name of Author /Commenter	Date Received	How received?	Within Public Comment Period?	Category of Issue	Section Number(s) Affected	Relevant?	Within Scope?	Response Determination	Response Comments
14-02-01	Dan Miller	11/12/2014	Mailed Letter	YES: During 45-Day	Request for information or documents	none	No	No	NOT implemented: not within scope	This was a request for the proposed language of the regulation and the Initial Statement of Reasons and did not contain any comment on the proposed text. The requested documentation was sent to the author.
14-02-02	Brett Williams	11/13/2014	Mailed Letter	YES: During 45-Day	Update Registry Address	none	No	No	NOT implemented: not within scope	This was a request for BPH to update this person's address in the notice registrant list. The list was updated to reflect the new address.
14-02-03	Elizabeth Calvin	11/18/2014	Email	YES: During 45-Day	Request for information or documents	none	No	No	NOT implemented: not within scope	This was a request for an update on the draft language for a different regulation package not yet filed. Responded by email.
14-02-04	Ramon Lopez	11/17/2014	Mailed Letter	YES: During 45-Day	Request for information or documents	none	No	No	NOT implemented: not within scope	This was a request for the proposed language of the regulation and the Initial Statement of Reasons and did not contain any comment on the proposed text. The requested documentation was sent to the author.
14-02-05	Paul Thomas	11/12/2014	Mailed Letter	YES: During 45-Day	Request for information or documents	none	No	No	NOT implemented: not within scope	This was a request for the proposed language of the regulation and the Initial Statement of Reasons and did not contain any comment on the proposed text. The requested documentation, along with the updated notice and regulations post-comment-period was sent to the author.
14-02-06	Mark Radke	11/12/2014	Mailed Letter	YES: During 45-Day	Request for information or documents	none	No	No	NOT implemented: not within scope	This was a request for the proposed language of the regulation and the Initial Statement of Reasons and did not contain any comment on the proposed text. The requested documentation, along with the updated notice and regulations post-comment-period was sent to the author. Additionally, BPH legal responded to the author's questions explaining the board's requirements under the law.
14-02-07	David Cathy	11/18/2014	Mailed Letter	YES: During 45-Day	Request for information or documents	none	No	No	NOT implemented: not within scope	This was a correspondence asking if this regulation applied to determinately sentenced inmates, but not containing any comment on the proposed text or ISOR. The board sent a letter responding to the author's questions.
14-02-08	Lawrence M. Weiswasser	12/8/2014	Mailed Letter	YES: During 45-Day	Request for information or documents	none	No	No	NOT implemented: not within scope	This was a request for the proposed amended language of the regulation and did not contain any comment on the proposed text. The requested documentation was sent to the author.
14-02-09	Desmon Crain	1/27/2015	Mailed Letter	NO: After 15-Day	Request for information or documents	none	No	No	NOT implemented: not within scope	This was a request for the proposed amended language of the regulation and did not contain any comment on the proposed text. The requested documentation was sent to the author.

14-02-01

MILLER CONSULTING  
P.O. Box 687  
Walnut, CA 91788

NOV 13 2014

11-6-14

Please send me the initial  
statement of reasons & proposed text  
for RN 14-02

Thank You.

Don Miller

10-20-14

MILLER CONSULTING  
P.O. Box 667  
Walnut, CA 91788

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*Heather McCree*

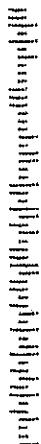
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*BPH*

*P.O. Box 4036*

*Sacramento CA 95812*

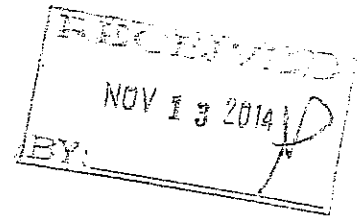
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SANTA ANA CA 92705  
117 WILSON AVE 1ST FLOOR



14-02-02



Brett Williams

V91359, 2B4-14120

P.O. Box 715071  
Folsom State Prison

Repressa, CA 95671

November 6, 2014

Heather L. McCoy

California Dept of Corrections  
and Rehabilitation

Board of Parole Hearings

P.O. Box 4036

Sacramento, CA 95812-4036

Ms. McCoy:

Please note my change of address for  
future notices.

Thank you  
Williams, B

**Folsom State Prison**

P.O. Box 715074

Repres, CA 95671

Name:

*Williams, Brett*

CDCR#:

*V91359*

Bldg/Bed:

*A-13-4*

PRISON GENERATED MAIL  
FOLSOM STATE PRISON  
PO BOX 715074  
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and Rehabilitation

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*Heather L. McCray*

*Cal. Dept of Corrections & Rehab.*

*Board of Parole Hearings*

*P.O. B. 4034*

*Sacramento, CA 95812-4034*

14-02-03

McCray, Heather@CDCR

---

**From:** Elizabeth Calvin <calvine@hrw.org>  
**Sent:** Wednesday, November 19, 2014 12:33 PM  
**To:** McCray, Heather@CDCR  
**Cc:** Moseley, Howard; Finnegan, Erin@CDCR  
**Subject:** RE: Youth Offender Parole regulations

Thank you, Heather.

Elizabeth M. Calvin  
Senior Advocate, Children's Rights Division  
Human Rights Watch  
11500 W. Olympic Blvd., Los Angeles, CA 90064  
O: 310.477.5540  
[www.hrw.org](http://www.hrw.org)  
[www.fairsentencingforyouth.org](http://www.fairsentencingforyouth.org)  
Follow on Twitter: @fairsentencing

---

**From:** McCray, Heather@CDCR [<mailto:Heather.McCray@cdcr.ca.gov>]  
**Sent:** Wednesday, November 19, 2014 8:20 AM  
**To:** Elizabeth Calvin  
**Cc:** Moseley, Howard; Finnegan, Erin@CDCR  
**Subject:** RE: Youth Offender Parole regulations

Good morning Elizabeth,

Before we place the proposed regulations for SB 260 on our Board agenda for review by the Commissioners, we planned to distribute them to key stakeholders, including you, for your review and comments. Our goal is to distribute the SB 260 draft regulations to the key stakeholders by no later than January 2015.

**Heather L. McCray**

**Senior Staff Attorney**

Board of Parole Hearings

Office: (916) 650-6409

Mobile: (916) 956-0723

Email: [Heather.McCray@cdcr.ca.gov](mailto:Heather.McCray@cdcr.ca.gov)

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---

**From:** Elizabeth Calvin [[calvine@hrw.org](mailto:calvine@hrw.org)]  
**Sent:** Tuesday, November 18, 2014 1:33 PM  
**To:** CDCR BPH Regulations-Legal Unit; McCray, Heather@CDCR  
**Subject:** Youth Offender Parole regulations

Dear Heather,

I hope this email finds you well. We last met in a small, airless room a year and a half ago to talk about the nascent idea that became SB 260.

Howard told me a few weeks ago that you're now heading up some important regulation drafting on a variety of topics. Sounds like a very full plate.

I am interested in the draft regulations for SB 260/Youth Offender Parole. I didn't see those listed on this month's board hearing. Does that mean there are not yet ready? (I'm new to the regulation process.) If not, do you have an estimated time of arrival? If a draft is ready, where can I find it?

Thanks,

Elizabeth

Elizabeth M. Calvin  
 Senior Advocate, Children's Rights Division  
 Human Rights Watch  
 11500 W. Olympic Blvd., Los Angeles, CA 90064  
 O: 310.477.5540  
[www.hrw.org](http://www.hrw.org)  
[www.fairsentencingforyouth.org](http://www.fairsentencingforyouth.org)  
 Follow on Twitter: @fairsentencing

14-02-04

NOV 19 2014

11-10-14

HEATHER MURRAY,

I WOULD LIKE TO KNOW IF YOU WILL SEND ME A COPY OF  
THE TEXT AND INITIAL STATEMENT OF REASONS FOR RJ 14-02.

THANK YOU,

Ram E

RAMON LOPEZ #JDS379

PO BOX 931 / D3-230

IMPERIAL, CA. 92251



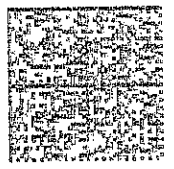
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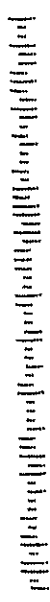
HEATHER L. MCCRAY

BOARD OF PRISON HEARINGS

PO BOX 4036

PACIFIC, MO, CA 95312-4036

9581 284036



Legal

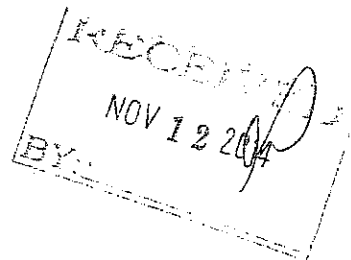
14-02-05

BOARD OF PAROLE HEARINGS  
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November 5th., 2014

2014 NOV 12 AM 10 16

Ms. Heather I. McGray  
Board of Parole Hearings  
P.O. Box 4036  
Sacramento CA 95812-4036



Re: Notice Of Change To Regulations  
Number: BN 14-02

Dear Ms. McGray:

I am in receipt of the above Notice.

Kindly make available to me the Text and the ISOR of the proposed regulation.

Thank you.

Sincerely,

A handwritten signature in cursive script, appearing to read "Paul Thomas K-17094".

Paul Thomas K-17094  
A2-23-2L  
Chuckawalla Valley State Prison  
P.O. Box 2349  
Blythe CA 92226-2349

Rev. Eugene K. 17004  
A2-23-2 L  
Chuckwalla Valley State Prison  
P.O. Box 2349  
Bytne GA 30226

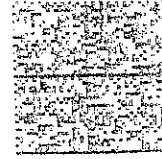
CHUCKAWALLA VALLEY  
STATE PRISON

NOV 12 2014

BY:

Ms. Teatier L. McGray  
Hear of Parole Hearings  
P.O. Box 4036  
Sacramento CA 95812-4036

California Department of  
Corrections and Rehabilitation

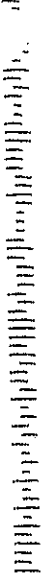


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14-02-06

BOARD OF PAROLE HEARINGS  
CORRESPONDENCE UNIT  
RECEIVED

NOV 12 2014

Mark Radke E70238  
C5-118L  
PO Box 2199  
Elythe, CA 92226-2199

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November 5, 2014

Heather L. McCray  
Board of Parole Hearings  
PO Box 4036  
Sacramento, CA 95612-4936

Dear Ms. McCray,

I received the RN 14-02 yesterday and I would like the proposed text of RN 14-02. I am quite surprised that the proposed text was not already attached to the Notice as is common practice with the CDCR. Additionally, I have been on the BPH's mailing list for Notice of Change to Regulations for many years, sent in address corrections when I changed cells and this Notice was still addressed to a cell I have not been in for almost a year. I wrote to the Regulations Dept. with my current housing last November and again in July to ask why I not received any Notice of Changes since 2012. Why was I not sent a RN 14-01? Were there any Notices of Change to Regulation sent in 2013? If so, why did I not get any? I have been on the mailing list for about ten years? I see your e-mail address everywhere on the Notice, but as an inmate I do not have e-mail access.

I look forward to the RN 14-02 text and an explanation as to why I did not get a RN 14-01. You should know that my law library does not get the BPH's regulation change notices and either does ISP's Central Library (I have asked).

Thank you for time with this letter and requests. Please use the above address to correct the mailing list and to send the RN 14-02 text.

Sincerely,



Mark Radke

11416 N4410 F 10650

ISP, C5 118L

PO Box 2149

Blythe CA 92226-2149

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BOARD OF PRISON HEARINGS  
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Legal

Heather L. McGray

Board of Prison Hearings

PO Box 4036

Sacramento, CA 95612-4936

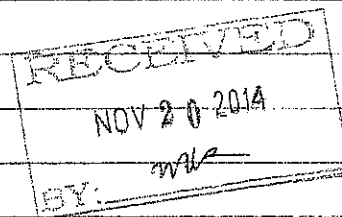
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Bus and Regulatory Control Number (KN 14-02)

14-02-07

HELLO my name is DAVID CATHY and I  
am serving (32 months with parole) at  
CFC prison in north CA and I got  
this notice change of regulations section  
1275, Penal code 3000.1 proceedings out  
of the law libraries so with that being  
said im trying to find out if im able  
to go in front of the board of parole  
Thank you for your time I will be  
waiting for your response



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10000 35750

John

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MARIA L. MACLEOD  
 P.O. BOX 4036  
 GALCARRNETO CA 95412-4036  
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14-02-08

BOARD OF PAROLE HEARINGS  
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BY: *AD*

NOV. 30, 2014

~~LAURENCE LAM~~ 10148 WETSWASSER

D59230, 22-38 L

P.O. Box 8103

San Luis Obispo, CA 93409.

HEATHER L. McCray.

Board of Parole Hearings

P.O. Box 4036

Sacramento, CA 95812-4306.

To Ms. McCray,

I would appreciate it if you would send  
me a copy of changes to Regulations  
Section 2275.

Thank you.

Respectfully,

*Laurence L. McCray*



CALIFORNIA MEN'S COLONY STATE PRISON

P.O. BOX 8101

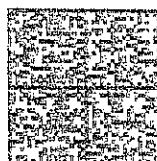
SAN LUIS OBISPO, CA 93409-8101

Name: LAWRENCE M. WEISSMAYER

CDCR #: D5923 Cell #: 22-38L

2014-22013

CALIFORNIA MEN'S COLONY  
STATE PRISON  
SAN LUIS OBISPO CA 93409



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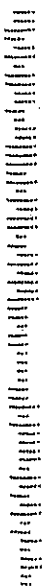
STATE PRISON

GENERATED MAIL

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DEC 5 - NW

HEATHER Mc GRAY  
Board of Parole Hearings  
P.O. Box 4036  
Sacramento, CA 95812-4036

5581284036



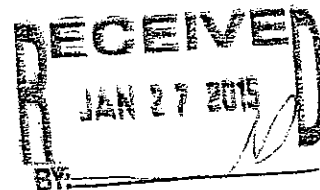
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## RN 14-02 PUBLIC COMMENT TRACKING LIST

Comment ID#	Name of Author /Commenter	Date Received	How received?	Within Public Comment Period?	Category of Issue	Section Number(s) Affected	Relevant?	Within Scope?	Response Determination	Response Comments
14-02-01	Don Miller	11/12/2014	Mailed Letter	YES: During 45-Day	Request for information or documents	none	No	No	NOT implemented: not within scope	This was a request for the proposed language of the regulation and the Initial Statement of Reasons and did not contain any comment on the proposed text. The requested documentation was sent to the author.
14-02-02	Brett Williams	11/13/2014	Mailed Letter	YES: During 45-Day	Update Registry Address	none	No	No	NOT implemented: not within scope	This was a request for BPH to update this person's address in the notice registrant list. The list was updated to reflect the new address.
14-02-03	Elizabeth Calvin	11/18/2014	Email	YES: During 45-Day	Request for information or documents	none	No	No	NOT implemented: not within scope	This was a request for an update on the draft language for a different regulation package not yet filed. Responded by email.
14-02-04	Ramon Lopez	11/17/2014	Mailed Letter	YES: During 45-Day	Request for information or documents	none	No	No	NOT implemented: not within scope	This was a request for the proposed language of the regulation and the Initial Statement of Reasons and did not contain any comment on the proposed text. The requested documentation, along with the updated notice and regulations post-comment-period was sent to the author.
14-02-05	Paul Thomas	11/12/2014	Mailed Letter	YES: During 45-Day	Request for information or documents	none	No	No	NOT implemented: not within scope	This was a request for the proposed language of the regulation and the Initial Statement of Reasons and did not contain any comment on the proposed text. The requested documentation, along with the updated notice and regulations post-comment-period was sent to the author. Additionally, BPH legal responded to the author's questions explaining the board's requirements under the law.
14-02-06	Mark Radke	11/12/2014	Mailed Letter	YES: During 45-Day	Request for information or documents	none	No	No	NOT implemented: not within scope	This was a correspondence asking if this regulation applied to determinately sentenced inmates, but not containing any comment on the proposed text or ISOR. The board sent a letter responding to the author's questions.
14-02-07	David Cathy	11/18/2014	Mailed Letter	YES: During 45-Day	Request for information or documents	none	No	No	NOT implemented: not within scope	This was a request for the proposed amended language of the regulation and did not contain any comment on the proposed text. The requested documentation was sent to the author.
14-02-08	Lawrence M. Weiswasser	12/8/2014	Mailed Letter	YES: During 45-Day	Request for information or documents	none	No	No	NOT implemented: not within scope	This was a request for the proposed amended language of the regulation and did not contain any comment on the proposed text. The requested documentation was sent to the author.
14-02-09	Desmon Crain	1/27/2015	Mailed Letter	NO: After 15-Day	Request for information or documents	none	No	No	NOT implemented: not within scope	This was a request for the proposed amended language of the regulation and did not contain any comment on the proposed text. The requested documentation was sent to the author.

14-02-09

BOARD OF PAROLE HEARINGS  
CORRESPONDENCE UNIT  
RECEIVED



O: Heather L. McCray 2015 JAN 27 AM 8 53 1.21.15

R: DESMON Crain #J-4451

E: RN 14-02

Hello I am writing concerning the Board of Parole Hearings' Notice of Change to Regulations' section 2275 and Penal Code 3000.1 proceedings.

I am a Stakeholder in this matter and Subsequently affected by the outcome. I was returned to prison for a parole violation (use of Methamphetamine) for a positive urine Analysis. I served 2 years in prison on a 15 to life Sentence for 2nd Degree Murder. It took the BPH 6 months to hold a initial Hearing in my case and denied me credit for time served in County Jail and Reception Center. The BPH has given me a New Sentence of 'Life with the Possibility' and revoked my Parole for the Positive urine Analysis. By the time I go to my subsequent Hearing on October 17, 2015. I would have served 18 months on a 1 year denial.

Can You please Send me RN 14-02, the proposed ~~changes~~ changes and any Modified Copies of the Regulation Text. Thank You for Your assistance and any help You may Provide.

Sincerely,

Desmon Crain 1.21.15

Return Address

Wasco State Prison - Reception Center

Name: **Desmon Cain** ID# **1011151**

Facility: **D-3** Bldg: **235** CORRESPONDENCE UNIT

P.O. Box: **7700**

Wasco, CA 93280

2015 JAN 27 AM 8 30

**Inmate Indigent Mail**

**RECEIVED**  
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BY: *[Signature]*



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**Heather L. McCray**  
**Board of Parole Hearings**  
**P.O. Box 4036**

**Sacramento, CA 95812-4036**

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# TAB E

Notice of Modifications to Text  
of Proposed Regulations

<b>BOARD OF PAROLE HEARINGS</b>  <b>NOTICE OF NEW CHANGES TO REGULATIONS</b> <b>SECTION 2275</b>  <b>PAROLE RECONSIDERATION HEARINGS</b> (PREVIOUSLY "PENAL CODE 3000.1 PROCEEDINGS")	<b>Number</b> <b>RN 14-02</b>
	<b>Notice Date:</b> <b>December 29, 2014</b>
	<b>Effective Date</b> <b>January 5, 2015</b>

This Notice announces **new changes** to the proposed amendments to Section 2275 of the California Code of Regulations (CCR), Title 15, Board of Parole Hearings, to incorporate into the CCR, provision concerning **PAROLE RECONSIDERATION HEARINGS** (previously called "Penal Code 3000.1 Proceedings") to conform to statutory law.

**15-DAY PUBLIC COMMENT PERIOD:**

Any person may submit written comments about the amended proposed regulations to Heather L. McCray, Board of Parole Hearings P.O. Box 4036 Sacramento, CA 95812-4036, or by fax to (916) 322-3475, or by e-mail to BPH.Regulations@cdcr.ca.gov. The public comment period for these new changes will commence at **5:00 p.m. on Sunday, January 4, 2015**, and close at **5:00 p.m. on Monday, January 19, 2015**.

All written comments must be received by the close of the public comment period. In any such inquiries, please identify the action by using the Board's regulation control number **RN 14-02**.

**CONTACT PERSON:**

Inquiries regarding this Notice and subject matter of this regulation should be directed to Heather L. McCray, Board of Parole Hearings, P.O. Box 4036 Sacramento, CA 95812-4036 by fax to (916) 322-3475, or by e-mail to BPH.Regulations@cdcr.ca.gov.

**INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW**

The Board proposes to amend California Code of Regulations, Title 15, Section 2275, which governs Parole Reconsideration Hearings (previously called "Penal Code 3000.1 Proceedings"). This action is necessary to implement, interpret, and comply with the Chelsea King Child Predator Prevention Act of 2010 (Assembly Bill 1844 (approved by Governor, September 9, 2010 (2009-2010 Reg. Sess.))) (hereafter Chelsea's Law). This action is also necessary to implement, interpret and comply with reforms to California's parole system, legislation collectively referred to as "Criminal Justice Realignment" (Assembly Bill 109 (approved by Governor, April 4, 2011 (2011-2012 Reg. Sess.)), as modified by Assembly Bill 117 (approved by Governor, June 30, 2011 (2011-2012 Reg. Sess.)), Assembly Bill 116 (approved by Governor, July 27, 2011 (2011-2012 Reg. Sess.)), Assembly Bill 17X (approved by Governor, September 20, 2011 (2011-2012 1st Ex. Sess.)), and Senate Bill 1023 (approved by Governor, June 27, 2012 (2011-2012 Reg. Sess.))):

As a result of the above changes effected by Chelsea's Law and Criminal Justice Realignment, California Code of Regulations, Title 15, Section 2275, the Board's regulation for the implementation of Parole Reconsideration Hearings, now conflicts with statutory law. Specifically, current law describes the process through which a panel consisting of a Board commissioner and deputy commissioner provide a hearing to consider the release of an inmate whose parole, for first-degree or second-degree murder only, had been revoked. Under Criminal Justice Realignment, Penal Code section 3000.08 removed the Board's authority to conduct parole revocation proceedings and Chelsea's law expanded the category of inmates subject to Board proceedings upon adjudication of a new crime or violation of a condition of parole. Moreover, Penal Code sections 3000(b)(4)(C) and 3000.1(d) provide different standards and procedures for hearings depending upon whether the Board of Parole Hearings is conducting an initial parole reconsideration hearing following a court's determination of a parole violation or new crime, or an annual

parole reconsideration hearing after the offender was returned to prison. Section 2275 must be updated to clarify these issues and reflect the Board's implementation of these changes.

These proposed regulations will clarify the Board's new role in parole reconsideration hearings, the composition of a hearing panel, and the three statutory categories of crimes for which an offender on parole could be subject to "parole reconsideration hearings." The proposed regulations also clarify the requirement for a lawful determination that the parolee violated a law or condition of parole before the matter is remanded to the Board for an initial parole reconsideration hearing, and clarify that such a determination will be considered an interruption in parole for purposes of parole discharge. Additionally, the proposed regulations describe scheduling timelines for parole reconsideration initial and annual hearings and clarify notice to stakeholders, parolee's rights, and the application of decision review and Governor's review to those hearings.

**ANTICIPATED BENEFITS OF THE PROPOSED REGULATIONS:**

These proposed regulations will promote both inmate rehabilitation and better protection of public safety. Additionally, the regulations increase protections to both victims and inmates.

**DETERMINATION OF INCONSISTENCY/INCOMPATIBILITY WITH EXISTING STATE REGULATIONS:**

The Board has determined that this proposed regulation is not inconsistent or incompatible with existing regulations. After conducting a review for any regulations that would relate to or affect this area, the Board has concluded that these are the only regulations that concern the Board's role and requirements in conducting parole reconsideration hearings.

**LOCAL MANDATES:**

This action imposes no mandates on local agencies or school districts, or a mandate which requires reimbursement of costs or savings pursuant to Government Code Sections 17500 - 17630.

**FISCAL IMPACT STATEMENT:**

- ☐ Cost to local agency or school district that is required to be reimbursed pursuant to 17500 et seq.:
- ☐ Cost or savings to any state agency:
- ☐ Other nondiscretionary cost or savings imposed on local agencies:
- ☐ Cost or savings in federal funding to the state:

None.

None.

None.

None.

**EFFECT ON HOUSING COSTS:**

The Board has made an initial determination that the proposed action will have no significant effect on housing costs.

**SIGNIFICANT STATEWIDE ADVERSE ECONOMIC IMPACT AFFECTING BUSINESSES:**

The Board has initially determined that the proposed regulations will not have a significant statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states.

**RESULTS OF THE ECONOMIC IMPACT ASSESSMENT:**

The Board has determined that the proposed regulations will have no impact in the creation of new, or the elimination of existing jobs or businesses within California, or affect the expansion of businesses currently doing business in California.

The Board has determined that the proposed regulation will promote both inmate rehabilitation and better protection of public safety. Additionally, the regulations increase protections to both victims and inmates.

**COST IMPACTS ON REPRESENTATIVE PRIVATE PERSONS OR BUSINESSES:**

The Board is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

**EFFECT ON SMALL BUSINESSES:**

The Board has determined that the proposed regulations may not affect small businesses. It is determined that this action has no significant adverse economic impact on small business because they are not affected by parole reconsideration hearings.

**CONSIDERATION OF ALTERNATIVES:**

The Board must determine that no reasonable alternative it considered, or that has otherwise been identified and brought to its attention, would be more effective in carrying out the purpose for which the action is proposed, or would be as effective and less burdensome to affected private persons, than the proposed regulatory action, or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provision of law. Interested parties are accordingly invited to present statements or arguments with respect to any alternatives to the proposed changes during the public comment period.

**AVAILABILITY OF PROPOSED TEXT AND INITIAL STATEMENT OF REASONS:**

The Board has prepared and will make available the text and the Initial Statement of Reasons (ISOR) of the proposed regulations. The rulemaking file for this regulatory action, which contains those items and all information on which the proposal is based (i.e., rulemaking file) is available to the public upon request directed to the Board's contact person. The proposed text, ISOR, and Notice of Proposed Action will also be made available on the Board's website [http://www.cdcr.ca.gov/BOPH/reg\\_revisions.html](http://www.cdcr.ca.gov/BOPH/reg_revisions.html)

**AVAILABILITY OF THE FINAL STATEMENT OF REASONS:**

Following its preparation, a copy of the Final Statement of Reasons will be available on the Board's website at [http://www.cdcr.ca.gov/BOPH/reg\\_revisions.html](http://www.cdcr.ca.gov/BOPH/reg_revisions.html) and may also be obtained from the Board's contact person.

**AVAILABILITY OF CHANGES TO PROPOSED TEXT:**

After considering all timely and relevant comments received, the Board may adopt these amended proposed regulations substantially as described in this Notice. If the Board makes modifications which are sufficiently related to this amended proposed text, it will make the newly modified text (with the changes clearly indicated) available to the public again for at least 15 days before the board adopts the regulations as revised. Requests for copies of any modified regulation text should be directed to the contact person indicated in this Notice. The Board will accept written comments on the modified regulations for 15 days after the date on which they are made available.



JENNIFER SHAFFER  
Executive Officer  
Board of Parole Hearings



**BOARD OF PAROLE HEARINGS**

P. O. Box 4036  
Sacramento, CA 95812-4036



December 30, 2014

**COVER LETTER FOR INSTITUTIONS**

RE: RN 14-02 Parole Reconsideration Hearings

Dear CDCR Institutions:

Enclosed with this cover letter is the board's issuance of its amended notice and 15-day public comment period for changes made after the initial comment period for regulation package number RN 14-02. The Administrative Procedures Act only requires that these amended notices be provided to statutorily specified individuals; thus, there is **no posting requirement** for these amended regulations.

However, to maximize transparency on this regulation package, the board is requesting that each institution post this notice and newly amended regulations included in this envelope at each location where the institution posted the original regulation package materials for this regulation number. We are requesting that the amended text and notice be posted beside the originals for greatest clarity.

We appreciate any assistance that you can provide with this request. Please do not hesitate to contact me at the board if you have any questions regarding this request.

Sincerely,

A handwritten signature in black ink, appearing to read "Heather L. McCray", is written over the typed name.

HEATHER L. MCCRAY  
Senior Staff Attorney  
Board of Parole Hearings

Enclosures

# TAB F

Text of Modified Regulations

## PROPOSED REGULATORY TEXT

Original proposed additions are indicated by underline and deletions are indicated by ~~striketrough~~.

NEW proposed additions are indicated by double underline and NEW deletions are indicated by ~~double striketrough~~.

BARCLAYS OFFICIAL CALIFORNIA CODE OF REGULATIONS  
TITLE 15. CRIME PREVENTION AND CORRECTIONS  
DIVISION 2. BOARD OF PAROLE HEARINGS  
CHAPTER 3. PAROLE RELEASE  
ARTICLE 4. PAROLE CONSIDERATION PROCEDURES for LIFE PRISONERS and  
NONLIFE 1168 PRISONERS

15 CCR § 2275 to read as follows:

§ 2275. Implementation of Penal Code Section 3000.1. ~~Penal Code 3000.1 Proceedings~~ Parole  
Reconsideration Hearings.

(a) General. ~~As required by Penal Code section 3000.1, when parole is revoked for any prisoner sentenced under Penal Code section 1168 for any offense of first or second degree murder with a maximum term of life imprisonment, the prisoner shall be given a hearing as provided in Penal Code sections 3041.5 and 3041.7 within 12 months of the date of any revocation of parole to consider the release of the inmate on parole. Penal Code section 3000.08(h) provides that, following a lawful determination that the person has committed a violation of law or violated his or her conditions of parole, persons on parole for specified crimes shall be remanded to the custody of the Department of Corrections and Rehabilitation and remanded to the jurisdiction of the Board of the Parole Hearings for future parole reconsideration. Parolees who are subject to remand upon a lawful determination are specified as follows: (i) parolees convicted of crimes listed in Penal Code section 3000(b)(4) where the crime was committed on or after September 9, 2010; (ii) parolees convicted of crimes listed in Penal Code section 3000.1(a)(1) where the crime was committed on or after January 1, 1983; and (iii) parolees convicted of crimes listed in Penal Code section 3000.1(a)(2) where the crime was committed on or after September 9, 2010. These hearings are collectively referred to as Penal Code section 3000.1 proceedings~~ Parole Reconsideration hearings.

(b) Panel. ~~This hearing shall be conducted by a two person panel comprised of one commissioner and one deputy commissioner. Lawful Determination. Parole violation charges are adjudicated by the court in accordance with Penal Code section 1203.2, or by another lawful authority for multijurisdiction parolees. Upon the lawful determination that a parolee has committed a violation of law or violated a condition of parole, the matter is remanded to the Board of Parole Hearings for a Penal Code section 3000.1 Parole Reconsideration initial hearing.~~

(c) Disposition. ~~At this hearing, the panel shall release the prisoner within one year of the date of the revocation, unless it determines that the circumstances and gravity of the parole violation are such that consideration of the public safety requires a more lengthy period of incarceration, or unless there is a new prison commitment following a conviction. If the panel concludes that a~~

more lengthy period of incarceration is warranted, then notwithstanding the provisions of paragraph (2) of subdivision (b) of section 3041.5, there shall be annual parole consideration hearings thereafter, unless the person is otherwise ineligible for parole release. ~~Penal Code section 3000.1 Parole Reconsideration initial hearings. A Penal Code section 3000.1 Parole Reconsideration initial hearing shall be held by the Board of Parole Hearings on the next available calendar, but no later than 12 months following a lawful determination that a parolee has committed a violation of law or violation of condition of parole. At a Penal Code section 3000.1 Parole Reconsideration initial hearing, the Board shall consider the violation of law or violation of condition of parole in the context of the parolee's history and all relevant suitability factors of California Code of Regulations, title 15, section 2402. The Board shall not retry the evidentiary findings of the court or other lawful authority. The Board and shall grant parole unless it determines that the circumstances and gravity of the violation of law or violation of condition of parole, in the context of the parolee's history and all relevant suitability factors, are such that consideration of the public safety requires a more lengthy period of incarceration.~~

~~(d) Penal Code section 3000.1 Parole Reconsideration annual parole consideration hearings. Within one year of a Penal Code section 3000.1 Parole Reconsideration initial hearing, parolees who do not have receive a parole grant of parole and who are not otherwise ineligible for release a Parole Reconsideration hearing shall receive a Penal Code section 3000.1 Parole Reconsideration annual parole consideration hearing. At a Penal Code section 3000.1 Parole Reconsideration annual parole consideration hearing, the Board shall grant parole in accordance with Penal Code section 3041 and California Code of Regulations, title 15, sections 2281 and 2402 of these regulations, as applicable. A parolee who does not have has not received a parole grant of parole and who is not otherwise ineligible for release shall continue to receive Penal Code section 3000.1 Parole Reconsideration annual parole consideration hearings each year until he or she receives a parole the board grants parole.~~

~~(1e) Ineligible for Release a Parole Reconsideration Hearing. For purposes of Penal Code section 3000.1 proceedings this section, a parolee is ineligible for release a Parole Reconsideration hearing if the parolee is serving a separate indeterminate term, or until the parolee reaches the third one year prior to his or her earliest possible release date (as calculated by the department) while serving a separate determinate term, or the parolee is incarcerated under other similar circumstances.~~

~~(2) Earliest Possible Release Date. The earliest possible release date is calculated by the California Department of Corrections and Rehabilitation. Using the inmate's maximum release date, it is a calculation of the earliest date the inmate could be released, accounting for all of the credits earned and lost by the inmate, and including a projection of the inmate continuing to earn credits until released.~~

~~(ef) Parole Grant Ineligible for Release. A parole grant at a Penal Code section 3000.1 proceeding is a finding by the Board the parolee is suitable for release. Despite a parole grant of parole at a Parole Reconsideration hearing, the parolee may continue to be incarcerated if serving a separate sentence or if subject to the jurisdiction of another authority.~~

(#g) Notice. Prior to any ~~Penal Code section 3000.1 proceedings~~ Parole Reconsideration hearing, notices shall be sent pursuant to Penal Code sections 3041.7 and 3043 to parties related to the life crime, or related to other crimes for which the parolee has been convicted as defined in Penal Code section 3043(a). No notices are required pursuant to Penal Code section 3042.

(#h) Hearing Rights. At ~~Penal Code section 3000.1 proceedings~~ Parole Reconsideration hearings, the parolee shall be provided all hearing rights in accordance with Penal Code section 3041.5, with the exception of subdivisions (b)(3) and (d), and shall be provided all hearing rights in accordance with Penal Code section 3041.7, and ~~California Code of Regulations, title 15, sections 2245 through 2256, or section 2367 for multijurisdiction parolees, of these regulations,~~ as ~~relevant~~ applicable.

(#i) Hearing Panel. ~~Penal Code section 3000.1 proceedings~~ Parole Reconsideration hearings shall be heard by a two- or three-person panel composed of ~~two or more~~ commissioners or deputy commissioners, of which no more than one may be a deputy commissioner. En banc referrals shall be conducted in accordance with Penal Code section 3041.

(#j) Review of Decision. Proposed decisions at ~~Penal Code section 3000.1 proceedings~~ Parole Reconsideration hearings are subject to decision review by the Chief Counsel pursuant to ~~California Code of Regulations, title 15, subdivision (h) of section 2041(h) of these regulations or~~ by the full board en banc pursuant to section 2044 of these regulations. Decisions are subject to the Governor's review pursuant to Penal Code sections 3041.1 ~~and~~ 3041.2, as applicable.

(#k) Parole Discharge. A lawful determination that a parolee has committed a violation of law or violation of condition of parole shall be considered an interruption in parole for purposes of Penal Code sections 3000(b)(4), 3000.1(b), and 3001.

Note: Authority cited: Section 12838.4, Government Code; and Sections 3052 and 5076.2, Penal Code. Reference: Sections 1203.2, 3000(b)(4), 3000.08(h), 3000.08(j), 3000.1, 3001, 3041, 3041.1, 3041.2, 3041.7, and 3043, Penal Code; and Sections 2041(h) and 2402, California Code of Regulations, Title 15.

# TAB G

Updated Informative Digest

**UPDATED INFORMATIVE DIGEST**

**TITLE 15. CRIME PREVENTION AND CORRECTIONS  
DIVISION 2. BOARD OF PAROLE HEARINGS  
CHAPTER 3. PAROLE RELEASE  
ARTICLE 4. PAROLE CONSIDERATION PROCEDURES for LIFE PRISONERS and  
NONLIFE 1168 PRISONERS**

**Amendment of Section 2275  
Parole Reconsideration Hearings  
(previously "Penal Code Section 3000.1 Proceedings")**

Following the initial 45-day public comment period, the board elected to make the following substantial and sufficiently-related amendments to its proposed regulation for section 2275:

**1. Name change from "Penal Code section 3000.1 proceedings" to "Parole Reconsideration hearings."**

The original proposed text of section 2275 identified the proceedings under this section as "Penal Code section 3000.1 Proceedings." However, on further review, the board determined that, since persons being returned to custody under PC 3000(b)(4) may not understand why they are subject to a "Penal Code 3000.1 proceeding," the name of these hearings should be amended to a more all-inclusive title. The board selected the name "Parole Reconsideration hearings" because all persons subject to this section have been returned to prison following a grant of parole on a life sentence and are now being re-considered for parole. This amendment benefits stakeholders by providing a clearer and more inclusive name for these hearings, which should help to avoid confusion regarding these hearings.

**2. Deletion of prior paragraph (d)(2), defining "Earliest Possible Release Date."**

The original proposed text of paragraph (2) of subdivision (d) of section 2275 contained a definition for the term "earliest possible release date" or EPRD. However, on further review, the board determined that, since calculating and imposing the EPRD is a function under the sole jurisdiction of the California Department of Corrections and Rehabilitation ("the department"), it was not appropriate to define this term in the board's regulations. Thus the board deleted this paragraph.

**3. Renaming of new subdivision (e), now titled "Ineligible for a Parole Reconsideration Hearing."**

The original proposed text of subdivision (e) of section 2275, now titled "Ineligible for a Parole Reconsideration Hearing," was previously titled "Ineligible for Release." However, on further review, the board determined that this subdivision was actually referencing circumstances in which a parolee returned to custody under PC 3000(b)(4) or 3000.1 would not be eligible to even receive a hearing, much less be released. Thus, the board determined that this subdivision would be more accurately titled "Ineligible for Parole Reconsideration

Hearing.” Additionally, this subdivision was previously numbered paragraph (1) of subdivision (d). However, after paragraph (2) of subdivision (d) was deleted, as explained above, the board renumbered this paragraph to subdivision (e). Amending the title of this subdivision benefits stakeholders by clarifying the purpose of the provisions it contains to avoid confusion.

#### **4. Renaming of new subdivision (f), now titled “Ineligible for Release.”**

The original proposed text of subdivision (f) of section 2275, now titled “Ineligible for Release,” was previously titled “Parole Grant.” However, on further review, the board determined that this subdivision was actually referencing circumstances in which a parolee would be eligible for a hearing, but would not be eligible to be released even after being granted parole. Thus, the board determined that this subdivision would be more accurately titled “Ineligible for Release.” Additionally, this subdivision was previously numbered subdivision (e). However, after paragraph (1) of subdivision (d) was renumbered to subdivision (e), as explained above, the board renumbered this subdivision to (f). Amending the title of this subdivision benefits stakeholders by clarifying the purpose of the provisions it contains to avoid confusion.

#### **5. Change in hearing eligibility for parolees serving additional determinate terms from three years prior to EPRD to one year before the EPRD.**

The original proposed text of subdivision (e), now titled “Ineligible for a Parole Reconsideration Hearing,” previously noted that a parolee serving a separate determinate term would be ineligible to receive annual hearings until the parolee had reached the third year prior to his or her EPRD. However, on further review, the board determined that this was not consistent with Penal Code section 3041 requirements for initial parole consideration hearings, which are scheduled one year prior to an inmate reaching his or her minimum eligible parole date (MEPD). To avoid confusion, we determined that the scheduling timelines should be as consistent as possible with our lifer parole consideration hearings. Thus, the board changed this requirement to mirror the penal code by prohibiting a parolee serving a separate indeterminate term from being eligible for a parole reconsideration hearing until the parolee reaches one year prior to his or her earliest possible release date as calculated by the department. Amending the timeline for annual hearings for inmate serving additional determinate terms benefits parolees by beginning annual hearings closer in time to when the parolee will actually be eligible for release. Additionally, since the amendment is more consistent with Penal Code section 3041 and the process for parole consideration hearing, the amendment will reduce confusion over the differing timelines.

#### **6. Addition of the reference to Chief Counsel’s decision review and the board’s review en banc under 15 CCR 2044.**

The original proposed text of subdivision (j), titled “Review of Decision,” previously only noted that these hearings were subject to decision review under subdivision (h) of section 2041 of title 15, California Code of Regulations. That referenced section referred to the Chief Counsel’s authority to conduct decision review. Under section 2044 of these regulations, these hearings are also subject to review by the full board en banc if a decision is referred by any panel member from the hearing. As previously written, this subdivision did not expressly state



that these hearings are still subject to review by the full board en banc, pursuant to 15 CCR 2044. Expressly clarifying these requirements benefits all stakeholders by ensuring greater accuracy of panels decisions through the different decision review processes.

#### **7. Grammatical or numbering changes.**

The board made several additional grammatical or renumbering changes for consistency in wording through our regulations. For example, in accordance with section 2000, governing the definitions for the board, the board changed references to the Department of Corrections and Rehabilitation to "the department," and references to the Board of Parole Hearings to "the board." In subdivision (a), the board changed letters (a), (b), (c), designating a list within the second sentence, to numbers (i), (ii), and (iii) to avoid confusion since subdivisions are designated by letter, not number. The board also reworded several subdivisions for greater clarity, without changing the meaning of the subdivision. These non-substantive amendments benefit stakeholders by providing greater clarity and readability to this regulation.

There have been no other changes in the laws related to the proposed action or to the effect of the proposed regulations from the laws and effects described in the Notice of Proposed Regulatory Action.

The Board, in proposing amendments to these regulations, has not identified nor has it relied upon any technical, theoretical, or empirical study, report, or similar document.

# TAB H

Final Statement of Reasons

**FINAL STATEMENT OF REASONS**

**TITLE 15. CRIME PREVENTION AND CORRECTIONS  
DIVISION 2. BOARD OF PAROLE HEARINGS  
CHAPTER 3. PAROLE RELEASE  
ARTICLE 4. PAROLE CONSIDERATION PROCEDURES for LIFE PRISONERS and  
NONLIFE 1168 PRISONERS**

**Amendment of Section 2275  
Parole Reconsideration Hearings  
(previously "Penal Code Section 3000.1 Proceedings")**

**UPDATE OF INITIAL STATEMENT OF REASONS:**

Following the initial 45-day public comment period, the board elected to make the following substantial and sufficiently-related amendments to its proposed regulation for section 2275:

The board amended the title of this section and name of these proceedings from "Penal Code section 3000.1 proceedings" to "Parole Reconsideration hearings." The board deleted prior paragraph (d)(2), defining "Earliest Possible Release Date." The board renumbered paragraph (d)(1) "Ineligible for Release" to subdivision (e) and renamed the subdivision "Ineligible for a Parole Reconsideration Hearing." Within this subdivision, the board amended the timeframe of hearing eligibility for parolees serving additional determinate terms from three years prior to earliest possible release date (EPRD) to one year before the EPRD. The board renumbered subdivision (e) "Parole Grant" to subdivision (f) and renamed the subdivision "Ineligible for Release." The board added reference to Chief Counsel's decision review and the board's review en banc under 15 CCR 2044. Finally, the board made some additional non-substantive grammatical or renumbering amendments.

Explanations of the purpose, reasons, and benefits of each modification are contained in the updated informative digest.

**LOCAL MANDATE DETERMINATION:**

The Board has determined this action imposes no mandates on local agencies or school districts, or a mandate which requires reimbursement pursuant to Part 7 (Section 17561) of Division 4 of the Government Code.

**SUMMARY AND RESPONSE TO COMMENTS RECEIVED DURING THE INITIAL NOTICE PERIOD OF NOVEMBER 7, 2014 TO DECEMBER 22, 2014:**

The board received eight letters that were logged as making any reference to this or any other regulation packet by the board. These comments were labeled 14-02-01 through 14-02-08 and copies of each correspondence are included in the comment tab. All eight comments were

received within the 45-day comment period. Of those comments, only one was specifically directed at either the proposed action or the rulemaking procedures followed.

COMMENT NUMBER 14-02-06: Mark Radke expressed concern that his address on the board's registry for notification was outdated. Additionally, Mr. Radke expressed concern that the board had not included a copy of the proposed text and initial statement of reasons along with his notice.

Response: The board responded to Mr. Radke by updating his address in our notification registry, and sending him copies of the proposed text and initial statement of reasons. Additionally, the board explained that, to meet its notification requirements as well as ensure that all inmates had access to this proposed action, copies of both the proposed text and initial statement of reasons for regulation package BPH RN 14-02 had been distributed to all institutions within the department for public posting at the libraries and law libraries. Since Mr. Radke's comments did not contain any substantive comments regarding the proposed text, the board made no amendments to the proposed text following this comment.

All other comments received during the initial notice period were general requests for copies of the regulatory text and did contain any substantive comments or questions about the proposed action or the rulemaking procedures followed. The board did not receive any other comments during this comment period that were specifically directed at the proposed action or the rulemaking procedures followed. The board's response to each additional, non-relevant comment is contained on the attached correspondence log.

#### **SUMMARY AND RESPONSE TO COMMENTS RECEIVED DURING THE SECOND 15-DAY NOTICE PERIOD OF JANUARY 4, 2015 TO JANUARY 19, 2015:**

The modified text was made available to the public for comment from January 4, 2015 through January 19, 2015. Notice was sent out to all persons on the notification registry list, including the author of comment 14-02-06, on December 29, 2014, regarding the above amendments that the board elected to make. Additionally, the board sent copies of the amended proposed text for public posting in all institutions beside the original text and initial statement of reasons. The board purposely set the 15-day comment period to begin running five days later to allow time for the notices to mail out and for the amendments to be posted in the institution before the public comment period would begin running.

The board received one comment, labeled as 14-02-09, that was logged as making any reference to this or any other regulation packet by the board. This comment was received on January 27, 2015, after the 15-day comment period was closed. This letter contained a general request for copies of the regulatory text and did contain any substantive comments or questions about the proposed action or the rulemaking procedures followed. The board did not receive any other comments during this comment period that were specifically directed at the proposed action or the rulemaking procedures followed.

**ALTERNATIVES THAT WOULD LESSEN ADVERSE ECONOMIC IMPACT ON SMALL BUSINESSES:**

No alternatives were proposed to the board that would lessen any adverse economic impact on small businesses.

**ALTERNATIVES DETERMINATION:**

The Board has determined that no alternative considered would be either more effective in carrying out the purpose of this action, as effective and less burdensome to affected private persons than the action proposed, or more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provision of law.

The amendments adopted by the board are the only regulations provisions identified by the board that accomplish the goal of bringing these regulations into compliance with the statutory changes effected by Chelsea's Law and Criminal Justice Realignment, as described in the initial statement of reasons. Except as set forth and discussed in the summary and responses to comments, no other alternatives have been proposed or otherwise brought to the board's attention.

# TAB I

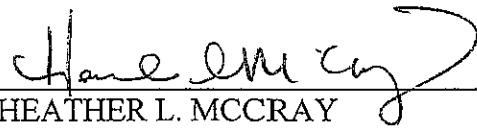
Statement of Mailing Notice;  
Statement of 15-Day Notice of  
Availability of Modified Text

**STATEMENT OF MAILING NOTICE**  
**(Section 86 of Title 1 of the**  
**California Code of Regulations)**

The Board of Parole Hearings has complied with the provisions of Government Code section 11346.4, subdivision (a)(1) through (4), regarding the mailing of the notice of proposed regulatory action. All required notices were mailed no later than November 5, 2014 or faxed by no later than November 6, 2014, which was at least 45 days prior to the end of the public comment period. Additionally, the board posted copies of the notice, initial statement of reasons, proposed text, and economic impact statement (Form 399) on the board's website at [http://www.cdcr.ca.gov/BOPH/reg\\_revisions.html](http://www.cdcr.ca.gov/BOPH/reg_revisions.html), by no later than November 7, 2014.

No public hearing was held as this was not requested by any persons.


Dated: 2/19/2015

  
HEATHER L. MCCRAY  
Senior Staff Attorney

**STATEMENT OF 15-DAY NOTICE  
OF AVAILABILITY OF MODIFIED TEXT  
(Section 44 of Title 1 of the California Code of Regulations)**

Modifications were made to the text of the regulations originally noticed to the public on November 7, 2014. There was one person, in the categories listed in subsections (a)(1) through (4) of section 44 of Title 1 of the CCR, to whom notice of the availability of the modified text had to be mailed. Notice was mailed to the author of comment 14-02-06 on December 29, 2014. Additionally, notice of the availability of the modified text and the modified text were available to the public from January 4, 2015 through January 19, 2015, at the office of the Board of Parole Hearings, 1515 K Street, Suite 600, Sacramento, CA, on the Board's website at [http://www.cdcr.ca.gov/BOPH/reg\\_revisions.html](http://www.cdcr.ca.gov/BOPH/reg_revisions.html), and at each institution. The public comment period for the modified text was from January 4, 2015 through January 19, 2015.

Dated: 2/19/2015

  
HEATHER L. MCCRAY  
Senior Staff Attorney



# TAB J

Economic and Fiscal Impact  
Statement (Form 399)

**ECONOMIC AND FISCAL IMPACT STATEMENT****(REGULATIONS AND ORDERS)**

STD. 399 (REV. 12/2013)

**ECONOMIC IMPACT STATEMENT**

DEPARTMENT NAME rd of Parole Hearings	CONTACT PERSON Heather L. McCray	EMAIL ADDRESS Heather.McCray@cdcr.ca.gov	TELEPHONE NUMBER 916-323-1463
DESCRIPTIVE TITLE FROM NOTICE REGISTER OR FORM 400 Parole Reconsideration Hearings (previously Penal Code section 3000.1 Proceedings)			NOTICE FILE NUMBER Z

**A. ESTIMATED PRIVATE SECTOR COST IMPACTS** *Include calculations and assumptions in the rulemaking record.*

1. Check the appropriate box(es) below to indicate whether this regulation:

- |  |   |
|--|---|
| <input type="checkbox"/> a. Impacts business and/or employees  | <input type="checkbox"/> e. Imposes reporting requirements                |
| <input type="checkbox"/> b. Impacts small businesses           | <input type="checkbox"/> f. Imposes prescriptive instead of performance   |
| <input type="checkbox"/> c. Impacts jobs or occupations        | <input type="checkbox"/> g. Impacts individuals                           |
| <input type="checkbox"/> d. Impacts California competitiveness | <input checked="" type="checkbox"/> h. None of the above (Explain below): |

This regulation creates no new reportable economic or fiscal impact.

*If any box in Items 1 a through g is checked, complete this Economic Impact Statement.**If box in Item 1.h. is checked, complete the Fiscal Impact Statement as appropriate.*2. The \_\_\_\_\_ estimates that the economic impact of this regulation (which includes the fiscal impact) is:  
(Agency/Department)

- ☐ Below \$10 million
- ☐ Between \$10 and \$25 million
- ☐ Between \$25 and \$50 million
- ☐ Over \$50 million *[If the economic impact is over \$50 million, agencies are required to submit a Standardized Regulatory Impact Assessment as specified in Government Code Section 11346.3(c)]*

3. Enter the total number of businesses impacted: \_\_\_\_\_

Describe the types of businesses (Include nonprofits): \_\_\_\_\_

Enter the number or percentage of total  
businesses impacted that are small businesses: \_\_\_\_\_

4. Enter the number of businesses that will be created: \_\_\_\_\_ eliminated: \_\_\_\_\_

Explain: \_\_\_\_\_

5. Indicate the geographic extent of impacts: ☐ Statewide  
☐ Local or regional (List areas): \_\_\_\_\_

6. Enter the number of jobs created: \_\_\_\_\_ and eliminated: \_\_\_\_\_

Describe the types of jobs or occupations impacted: \_\_\_\_\_

7. Will the regulation affect the ability of California businesses to compete with  
other states by making it more costly to produce goods or services here? ☐ YES ☐ NO

If YES, explain briefly: \_\_\_\_\_

**ECONOMIC AND FISCAL IMPACT STATEMENT  
(REGULATIONS AND ORDERS)**

STD. 399 (REV. 12/2013)

**ECONOMIC IMPACT STATEMENT (CONTINUED)****B. ESTIMATED COSTS** *Include calculations and assumptions in the rulemaking record.*

1. What are the total statewide dollar costs that businesses and individuals may incur to comply with this regulation over its lifetime? \$ \_\_\_\_\_
- a. Initial costs for a small business: \$ \_\_\_\_\_ Annual ongoing costs: \$ \_\_\_\_\_ Years: \_\_\_\_\_
- b. Initial costs for a typical business: \$ \_\_\_\_\_ Annual ongoing costs: \$ \_\_\_\_\_ Years: \_\_\_\_\_
- c. Initial costs for an individual: \$ \_\_\_\_\_ Annual ongoing costs: \$ \_\_\_\_\_ Years: \_\_\_\_\_
- d. Describe other economic costs that may occur: \_\_\_\_\_

2. If multiple industries are impacted, enter the share of total costs for each industry: \_\_\_\_\_

3. If the regulation imposes reporting requirements, enter the annual costs a typical business may incur to comply with these requirements. Include the dollar costs to do programming, record keeping, reporting, and other paperwork, whether or not the paperwork must be submitted. \$ \_\_\_\_\_

4. Will this regulation directly impact housing costs? ☐ YES ☐ NO

If YES, enter the annual dollar cost per housing unit: \$ \_\_\_\_\_

Number of units: \_\_\_\_\_

5. Are there comparable Federal regulations? ☐ YES ☐ NO

Explain the need for State regulation given the existence or absence of Federal regulations: \_\_\_\_\_

Enter any additional costs to businesses and/or individuals that may be due to State - Federal differences: \$ \_\_\_\_\_

**C. ESTIMATED BENEFITS** *Estimation of the dollar value of benefits is not specifically required by rulemaking law, but encouraged.*

1. Briefly summarize the benefits of the regulation, which may include among others, the health and welfare of California residents, worker safety and the State's environment: \_\_\_\_\_

2. Are the benefits the result of: ☐ specific statutory requirements, or ☐ goals developed by the agency based on broad statutory authority?

Explain: \_\_\_\_\_

3. What are the total statewide benefits from this regulation over its lifetime? \$ \_\_\_\_\_

4. Briefly describe any expansion of businesses currently doing business within the State of California that would result from this regulation: \_\_\_\_\_

**D. ALTERNATIVES TO THE REGULATION** *Include calculations and assumptions in the rulemaking record. Estimation of the dollar value of benefits is not specifically required by rulemaking law, but encouraged.*

List alternatives considered and describe them below. If no alternatives were considered, explain why not: \_\_\_\_\_

**ECONOMIC AND FISCAL IMPACT STATEMENT  
(REGULATIONS AND ORDERS)**

STD. 399 (REV. 12/2013)

**ECONOMIC IMPACT STATEMENT (CONTINUED)**

2. Summarize the total statewide costs and benefits from this regulation and each alternative considered:

Regulation: Benefit: \$ \_\_\_\_\_ Cost: \$ \_\_\_\_\_

Alternative 1: Benefit: \$ \_\_\_\_\_ Cost: \$ \_\_\_\_\_

Alternative 2: Benefit: \$ \_\_\_\_\_ Cost: \$ \_\_\_\_\_

3. Briefly discuss any quantification issues that are relevant to a comparison of estimated costs and benefits for this regulation or alternatives: \_\_\_\_\_

4. Rulemaking law requires agencies to consider performance standards as an alternative, if a regulation mandates the use of specific technologies or equipment, or prescribes specific actions or procedures. Were performance standards considered to lower compliance costs? ☐ YES ☐ NO

Explain: \_\_\_\_\_

**E. MAJOR REGULATIONS** *Include calculations and assumptions in the rulemaking record.**California Environmental Protection Agency (Cal/EPA) boards, offices and departments are required to submit the following (per Health and Safety Code section 57005). Otherwise, skip to E4.*1. Will the estimated costs of this regulation to California business enterprises exceed \$10 million? ☐ YES ☐ NO*If YES, complete E2. and E3**If NO, skip to E4*

2. Briefly describe each alternative, or combination of alternatives, for which a cost-effectiveness analysis was performed:

Alternative 1: \_\_\_\_\_

Alternative 2: \_\_\_\_\_

*(Attach additional pages for other alternatives)*

3. For the regulation, and each alternative just described, enter the estimated total cost and overall cost-effectiveness ratio:

Regulation: Total Cost \$ \_\_\_\_\_ Cost-effectiveness ratio: \$ \_\_\_\_\_

Alternative 1: Total Cost \$ \_\_\_\_\_ Cost-effectiveness ratio: \$ \_\_\_\_\_

Alternative 2: Total Cost \$ \_\_\_\_\_ Cost-effectiveness ratio: \$ \_\_\_\_\_

4. Will the regulation subject to OAL review have an estimated economic impact to business enterprises and individuals located in or doing business in California exceeding \$50 million in any 12-month period between the date the major regulation is estimated to be filed with the Secretary of State through 12 months after the major regulation is estimated to be fully implemented?

☐ YES ☐ NO*If YES, agencies are required to submit a Standardized Regulatory Impact Assessment (SRIA) as specified in Government Code Section 11346.3(c) and to include the SRIA in the Initial Statement of Reasons.*

5. Briefly describe the following:

The increase or decrease of investment in the State: \_\_\_\_\_

The incentive for innovation in products, materials or processes: \_\_\_\_\_

The benefits of the regulations, including, but not limited to, benefits to the health, safety, and welfare of California residents, worker safety, and the state's environment and quality of life, among any other benefits identified by the agency: \_\_\_\_\_

**ECONOMIC AND FISCAL IMPACT STATEMENT****(REGULATIONS AND ORDERS)**

STD. 399 (REV. 12/2013)

**FISCAL IMPACT STATEMENT**

**FISCAL EFFECT ON LOCAL GOVERNMENT** *Indicate appropriate boxes 1 through 6 and attach calculations and assumptions of fiscal impact for the current year and two subsequent Fiscal Years.*

- ☐ 1. Additional expenditures in the current State Fiscal Year which are reimbursable by the State. (Approximate)  
(Pursuant to Section 6 of Article XIII B of the California Constitution and Sections 17500 et seq. of the Government Code).

\$ \_\_\_\_\_

- ☐ a. Funding provided in \_\_\_\_\_  
Budget Act of \_\_\_\_\_ or Chapter \_\_\_\_\_, Statutes of \_\_\_\_\_

- ☐ b. Funding will be requested in the Governor's Budget Act of \_\_\_\_\_  
Fiscal Year: \_\_\_\_\_

- ☐ 2. Additional expenditures in the current State Fiscal Year which are NOT reimbursable by the State. (Approximate)  
(Pursuant to Section 6 of Article XIII B of the California Constitution and Sections 17500 et seq. of the Government Code).

\$ \_\_\_\_\_

*Check reason(s) this regulation is not reimbursable and provide the appropriate information:*

- ☐ a. Implements the Federal mandate contained in \_\_\_\_\_
- ☐ b. Implements the court mandate set forth by the \_\_\_\_\_ Court.

Case of: \_\_\_\_\_ vs. \_\_\_\_\_

- ☐ c. Implements a mandate of the people of this State expressed in their approval of Proposition No. \_\_\_\_\_

Date of Election: \_\_\_\_\_

- ☐ d. Issued only in response to a specific request from affected local entity(s).

Local entity(s) affected: \_\_\_\_\_  
\_\_\_\_\_

- ☐ e. Will be fully financed from the fees, revenue, etc. from: \_\_\_\_\_

Authorized by Section: \_\_\_\_\_ of the \_\_\_\_\_ Code;

- ☐ f. Provides for savings to each affected unit of local government which will, at a minimum, offset any additional costs to each;

- ☐ g. Creates, eliminates, or changes the penalty for a new crime or infraction contained in \_\_\_\_\_

- ☐ 3. Annual Savings. (approximate)

\$ \_\_\_\_\_

- ☒ 4. No additional costs or savings. This regulation makes only technical, non-substantive or clarifying changes to current law regulations.

- ☐ 5. No fiscal impact exists. This regulation does not affect any local entity or program.

- ☐ 6. Other. Explain \_\_\_\_\_  
\_\_\_\_\_

**ECONOMIC AND FISCAL IMPACT STATEMENT****(REGULATIONS AND ORDERS)**

STD. 399 (REV. 12/2013)

**FISCAL IMPACT STATEMENT (CONTINUED)****B. FISCAL EFFECT ON STATE GOVERNMENT** *Indicate appropriate boxes 1 through 4 and attach calculations and assumptions of fiscal impact for the current year and two subsequent Fiscal Years.*☐ 1. Additional expenditures in the current State Fiscal Year. (Approximate)

\$ \_\_\_\_\_

*It is anticipated that State agencies will:*☐ a. Absorb these additional costs within their existing budgets and resources.☐ b. Increase the currently authorized budget level for the \_\_\_\_\_ Fiscal Year☐ 2. Savings in the current State Fiscal Year. (Approximate)

\$ \_\_\_\_\_

☒ 3. No fiscal impact exists. This regulation does not affect any State agency or program.☐ 4. Other. Explain \_\_\_\_\_**C. FISCAL EFFECT ON FEDERAL FUNDING OF STATE PROGRAMS** *Indicate appropriate boxes 1 through 4 and attach calculations and assumptions of fiscal impact for the current year and two subsequent Fiscal Years.*☐ 1. Additional expenditures in the current State Fiscal Year. (Approximate)

\$ \_\_\_\_\_

☐ 2. Savings in the current State Fiscal Year. (Approximate)

\$ \_\_\_\_\_

☒ 3. No fiscal impact exists. This regulation does not affect any federally funded State agency or program.☐ 4. Other. Explain \_\_\_\_\_

FISCAL OFFICER SIGNATURE



DATE

5/11/2015

*The signature attests that the agency has completed the STD. 399 according to the instructions in SAM sections 6601-6616, and understands the impacts of the proposed rulemaking. State boards, offices, or departments not under an Agency Secretary must have the form signed by the highest ranking official in the organization.*

AGENCY SECRETARY



DATE

5/11/2015

*Finance approval and signature is required when SAM sections 6601-6616 require completion of Fiscal Impact Statement in the STD. 399.*

DEPARTMENT OF FINANCE PROGRAM BUDGET MANAGER



DATE

# TAB K

Text of Final Regulations for  
Publication

## PROPOSED REGULATORY TEXT

FINAL proposed additions are indicated by underline and FINAL deletions are indicated by ~~strikethrough~~.

BARCLAYS OFFICIAL CALIFORNIA CODE OF REGULATIONS  
TITLE 15. CRIME PREVENTION AND CORRECTIONS  
DIVISION 2. BOARD OF PAROLE HEARINGS  
CHAPTER 3. PAROLE RELEASE  
ARTICLE 4. PAROLE CONSIDERATION PROCEDURES for LIFE PRISONERS and  
NONLIFE 1168 PRISONERS

15 CCR § 2275 to read as follows:

§ 2275. ~~Implementation of Penal Code Section 3000.1.~~ Parole Reconsideration Hearings.

(a) General. ~~As required by Penal Code section 3000.1, when parole is revoked for any prisoner sentenced under Penal Code section 1168 for any offense of first or second degree murder with a maximum term of life imprisonment, the prisoner shall be given a hearing as provided in Penal Code sections 3041.5 and 3041.7 within 12 months of the date of any revocation of parole to consider the release of the inmate on parole.~~ Penal Code section 3000.08(h) provides that, following a lawful determination that the person has committed a violation of law or violated his or her conditions of parole, persons on parole for specified crimes shall be remanded to the custody of the department and remanded to the jurisdiction of the board for future parole reconsideration. Parolees who are subject to remand upon a lawful determination are specified as follows: (i) parolees convicted of crimes listed in Penal Code section 3000(b)(4) where the crime was committed on or after September 9, 2010; (ii) parolees convicted of crimes listed in Penal Code section 3000.1(a)(1) where the crime was committed on or after January 1, 1983; and (iii) parolees convicted of crimes listed in Penal Code section 3000.1(a)(2) where the crime was committed on or after September 9, 2010. These hearings are collectively referred to as Parole Reconsideration hearings.

(b) Panel. ~~This hearing shall be conducted by a two person panel comprised of one commissioner and one deputy commissioner.~~ Lawful Determination. Parole violation charges are adjudicated by the court in accordance with Penal Code section 1203.2, or by another lawful authority for multijurisdiction parolees. Upon the lawful determination that a parolee has committed a violation of law or violated a condition of parole, the matter is remanded to the board for a Parole Reconsideration initial hearing.

(c) Disposition. ~~At this hearing, the panel shall release the prisoner within one year of the date of the revocation, unless it determines that the circumstances and gravity of the parole violation are such that consideration of the public safety requires a more lengthy period of incarceration, or unless there is a new prison commitment following a conviction. If the panel concludes that a more lengthy period of incarceration is warranted, then notwithstanding the provisions of paragraph (2) of subdivision (b) of section 3041.5, there shall be annual parole consideration hearings thereafter, unless the person is otherwise ineligible for parole release.~~ Parole Reconsideration initial hearings. A Parole Reconsideration initial hearing shall be held by the



board on the next available calendar, but no later than 12 months following a lawful determination that a parolee has committed a violation of law or violation of condition of parole. At a Parole Reconsideration initial hearing, the board shall not retry the evidentiary findings of the court or other lawful authority and shall grant parole unless it determines that the circumstances and gravity of the violation of law or violation of condition of parole, in the context of the parolee's history and all relevant suitability factors, are such that consideration of the public safety requires a more lengthy period of incarceration.

(d) Parole Reconsideration annual hearings. Within one year of a Parole Reconsideration initial hearing, parolees who do not receive a grant of parole and who are not otherwise ineligible for a Parole Reconsideration hearing shall receive a Parole Reconsideration annual hearing. At a Parole Reconsideration annual hearing, the board shall grant parole in accordance with Penal Code section 3041 and sections 2281 and 2402 of these regulations, as applicable. A parolee who has not received a grant of parole and who is not otherwise ineligible for release shall continue to receive Parole Reconsideration annual hearings each year until the board grants parole.

(e) Ineligible for a Parole Reconsideration Hearing. For purposes of this section, a parolee is ineligible for a Parole Reconsideration hearing if the parolee is serving a separate indeterminate term, or until the parolee reaches one year prior to his or her earliest possible release date (as calculated by the department) while serving a separate determinate term, or the parolee is incarcerated under other similar circumstances.

(f) Ineligible for Release. Despite a grant of parole at a Parole Reconsideration hearing, the parolee may continue to be incarcerated if serving a separate sentence or if subject to the jurisdiction of another authority.

(g) Notice. Prior to any Parole Reconsideration hearing, notices shall be sent pursuant to Penal Code sections 3041.7 and 3043 to parties related to the life crime, or related to other crimes for which the parolee has been convicted as defined in Penal Code section 3043(a). No notices are required pursuant to Penal Code section 3042.

(h) Hearing Rights. At Parole Reconsideration hearings, the parolee shall be provided all hearing rights in accordance with Penal Code section 3041.5, with the exception of subdivisions (b)(3) and (d), and shall be provided all hearing rights in accordance with Penal Code section 3041.7, and sections 2245 through 2256, or section 2367 for multijurisdiction parolees, of these regulations, as applicable.

(i) Hearing Panel. Parole Reconsideration hearings shall be heard by a two- or three-person panel composed of commissioners or deputy commissioners, of which no more than one may be a deputy commissioner. En banc referrals shall be conducted in accordance with Penal Code section 3041.

(j) Review of Decision. Proposed decisions at Parole Reconsideration hearings are subject to decision review by the Chief Counsel pursuant to subdivision (h) of section 2041 of these regulations or by the full board en banc pursuant to section 2044 of these regulations. Decisions

are subject to the Governor's review pursuant to Penal Code sections 3041.1 or 3041.2, as applicable.

(k) Parole Discharge. A lawful determination that a parolee has committed a violation of law or violation of condition of parole shall be considered an interruption in parole for purposes of Penal Code sections 3000(b)(4), 3000.1(b), and 3001.

Note: Authority cited: Section 12838.4, Government Code; and Sections 3052 and 5076.2, Penal Code. Reference: Sections 1203.2, 3000(b)(4), 3000.08(h), 3000.08(j), 3000.1, 3001, 3041, 3041.1, 3041.2, 3041.7, and 3043, Penal Code; and Sections 2041(h) and 2402, California Code of Regulations, Title 15.

# TAB L

Minutes of April 2013 Executive Board  
Agenda with Original Vote to Adopt  
Regulations; Minutes of December 2014  
Executive Board Agenda with Vote to  
Adopt Amended Regulations

**BOARD OF PAROLE HEARINGS**  
**Executive Board Meeting**  
**Tuesday, April 16, 2013**

**Meeting called to order at 10:05 a.m.**

**Roll call:** Commissioners Anderson, Ferguson, Figueroa, Garner, Labahn, Fritz, Montes, Peck, Roberts, Singh, Turner, Zarrinnam present.

**EN BANC HEARINGS**

**Recall and Referral for Re-sentencing: Penal Code section 1170(e)**

**A. SHAPARNIS, STANLEY C-48558**  
No comments

**B. BREWER, BRIAN V-98513**

EZEKIEL CORTEZ, attorney for the inmate, MICHAEL KIRKPATRICK, inmate's brother-in-law,  
KATHLEEN BREWER, inmate's wife, supported recall and referral for re-sentencing.

STEVE KATZ and ALEXIS DE LA GARZA, District Attorney's Office, Los Angeles County, opposed  
recall and referral for re-sentencing.

**C. DOMINGUEZ, LOUIS F-96467**  
No comments.

**D. JEWELL, DENNIS D-46354**  
No comments.

**Referral by the Governor for Review of parole decision by the full board pursuant to Penal Code section 3041.1 and California Code of Regulations, Title 15, section 2044**

**E. GOOD, WILLIAMS J-01851**  
No comments.

**DISCUSSION ITEMS**

**Regulations to Update Board Title, presented by Chief Counsel, Howard Moseley**

For disability related accommodations, please contact the BPH Americans with Disabilities Act Coordinator at (916) 445-4072, at least five (5) working days prior to the scheduled meeting. All persons and property entering into this facility may be subject to search. No unauthorized weapons are allowed pursuant to Penal Code Section 171b.

MOSELEY stated that the purpose of the regulation is to amend Title 15, Division 2, California Code of Regulations, to reflect the change to the Board's title. The Office of Administrative Law confirmed that it was only necessary to amend the first page of Division 2. There is no substantive change to Division 2.

**Public Comment:** None

GARNER moved to approve the regulation and was seconded by TURNER. The motion was carried unanimously.

**Regulation regarding Penal Code section 3000.1 Hearings, presented by Chief Counsel, Howard Moseley**

MOSELEY stated that the purpose of the regulation was to establish post-realignment procedures for Penal Code section 3000.1 hearings. The regulation includes the following provisions: the definition of inmates who are subject to the procedures; calculation of an inmate's release date; parole ineligibility; the standard to be applied at initial hearings; annual parole consideration hearings; inmates' right notice and composition of panel procedures; the decision review process.

**Public Comment:** None

SINGH moved to approve the regulation and was seconded by ROBERTS. The motion was carried unanimously.

**OPEN COMMENTS**

**Future agenda items:** None

**Public Comments:**

JILL KLINGE, Alameda County District Attorney's Office, referred to National Crime Victims Rights Week. She questioned whether the interests of victims had been sufficiently addressed at recent en banc hearings.

CHRISTINE WARD, executive director of Crime Victims Action Alliance, expressed concern about the lack of understanding of victims' views.

VANESSA NELSON SLOANE, Life Support Alliance, expressed concern that the Timelist Group, which gave a presentation at yesterday's Correctional Rehabilitation Programs Advisory Committee meeting, might face cancellation. She requested the Board's support in maintaining such programs.

**Meeting is adjourned at 10:45 a.m.**

For disability related accommodations, please contact the BPH Americans with Disabilities Act Coordinator at (916) 445-4072, at least five (5) working days prior to the scheduled meeting. All persons and property entering into this facility may be subject to search. No unauthorized weapons are allowed pursuant to Penal Code Section 171b.

**BOARD OF PAROLE HEARINGS**  
**Executive Board Meeting**  
**Tuesday, December 23, 2014**

**Meeting called to order at 10:04 a.m.**

**Roll Call:** Commissioners Anderson, Fritz, Garner, Labahn, Minor, Montes, Peck, Richardson, Roberts, Singh, Turner and Zarrinnam present.

SHAFFER congratulated Senior Staff Attorney, Tiffany Shultz on her appointment as Assistant Chief Counsel.

**REPORTS AND PRESENTATIONS**

**LSTS Enhancements, presented by LSTS Project Manager, Christine Buffleben**

BUFFLEBEN stated that the enhancements will be rolled out on Saturday, December 27, 2014. The system has been renamed the Board's Information Tracking System (BITS), since the board's jurisdiction now extends beyond lifer inmates.

BUFFLEBEN gave a screen presentation of the changes to the system. She stated that information has been added about the non-violent second-striker and the administrative review processes. She described changes to the menu and inmate history. Spellcheck has been added. Existing shortcuts will still work, although the addresses will be updated in 2015.

SHAFFER thanked BUFFLEBEN and the information technology staff for their work in creating the new system upgrades. She highlighted the changes to the administrative review process, which has been a manual process to date. SHAFFER stated that the objective for 2015 is to further enhance the board's technology.

**Amended Regulations Regarding Penal Code section 3000.1 Proceedings, presented by Senior Staff Attorney Heather McCray**

McCRA Y described the proposed amendments to Title 15, California Code of Regulations section 2275, as set out in the proposed regulatory text, attached to the meeting agenda. She stated that Penal Code section 3000.1 hearings will now be known as Parole Reconsideration hearings.

**Public Comment:** None

Commissioner ZARRINNAM moved to adopt the amended regulation package and was seconded by Commissioner TURNER. The motion carried unanimously.

**EN BANC REFERRALS**

**Referral pursuant to Penal Code section 1170(e) to determine eligibility for recommendation to sentencing court for recall of sentence**

**A. COX, JIMMY AK-7968**

No speakers.

**B. SIMON, BOBBY D-49680**

BRIAN POMERANTZ, inmate's attorney, supported a recommendation for recall of sentencing.

**Referral by the Chief Counsel pursuant to California Code of Regulations, title 15, section 2042, to assure complete, accurate, consistent and uniform decisions and the furtherance of public safety**

**C. BASS, DANIEL J-03303**

DENNIS CUSICK, inmate's attorney, accepted that there had been an error in the term calculation.

**D. BOHANA, DONALD P-22798**

No speakers.

**E. LLAMAS, DONNIE D-36130**

No speakers.

**F. PALMER, RICKY C-15566**

No speakers.

**Referral to consider ordering a rescission hearing, pursuant to title 15, California Code of Regulations section 2044**

**G. BAILEY, THOMAS C-96278**

No speakers.

**Referral by the Governor pursuant to Penal Code section 3041.1 and California Code of Regulations, title 15, section 2044 to request review of a parole decision by the full board.**

**H. GULLETT, ROBERT**

**H-45198**

MICHELLE GARFINKEL, inmate's attorney, and KATHLEEN GONZALES, California Parole Hearing Support for Recovery, Rehabilitation and Change, supported the parole grant.

**I. OLMOS, JAIME**

**AF-4802**

CHARLES CARBONE, inmate's attorney, AMY BREAUT, inmate's cousin, ELDA GOMEZ and MARTHA SOLIS, inmate's aunts and JAVIER OLMOS, inmate's father, supported the parole grant.

CATHERINE VOLKER, Ventura County District Attorney's Office, recommended ordering a rescission hearing.

**Referral, pursuant to Penal Code section 3041 to either grant or deny parole when there is a tie vote**

**J. FLYNN, PATRICK**

**J-25604**

No speakers.

**PUBLIC COMMENT**

VANESSA NELSON SLOANE, Life Support Alliance, stated that January 2015 marks the organization's fifth anniversary. It has recently received a grant to fund the From the Date to the Gate program. It concentrates on developing the social skills of inmates who have been granted parole but not yet released. She invited board members and staff to attend a family seminar on February 28, 2015.

MERVIN BROOKINS, former life inmate, described his experiences on parole and thanked the board for the opportunity to contribute to the community.

**Meeting adjourned at 11:04 a.m.**